Acta Sanctae Sedis

Acts of the Holy See

Holy See; Vatican

An English translation of the Latin edition
Rome: Typis Polyglottis Vaticanis, Vol. 36 (1903)

Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 1*]

A COMPENDIUM CONVENIENTLY ARRANGED AND ILLUSTRATED, PREPARED WITH DILIGENCE AND CARE BY VICTOR PIAZZESI, DOCTOR OF BOTH LAWS, OR, Legal and more solemn acts emanating directly from the Supreme Roman Pontiff: acts among those which can be made public under the law, whether they are Decrees, or Instructions, or Responses, or other similar matters; especially, expositions and resolutions of cases from the Sacred Congregations by various Cardinals, contributing to the accurate understanding and observance of ecclesiastical law, carefully compiled in a compendium: and finally, other legal matters, by which those things which may present difficulty in the aforementioned acts, or which further contribute to the knowledge of existing law, are suitably explained: for the benefit of those who diligently seek to understand the laws of the Church, and who labor diligently in the governance of the Christian flock, or in cultivating the vineyard of the Lord. Volume XXXVI. ROME, FROM THE PRINTING PRESS OF THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 1903-1904. Reprinted with the permission of Libreria Editrice Vaticana. JOHNSON REPRINT CORPORATION, 111 Fifth Avenue, New York, N.Y. 10003. JOHNSON REPRINT COMPANY LTD., Berkeley Square House, London, W1X 6BA.

[*Latin ed. p. 5*]

I announce to you that we have a Pope, and a most Reverend Cardinal, Joseph Sarto, who has given himself the name Pius X. These are the fateful words which, on the fourth day of the month of August, in the year nineteen hundred and three, were pronounced by the Most Reverend Cardinal Macchi, from the outer portico of the greatest temple of the Vatican, in the presence of an unusual and joyous throng of people. Then, the Papal Rome, and the entire Catholic world, being deeply grieved by the death of Leo XIII, ceased from their mourning, and were filled with sweet hope and great joy: a hope and a joy which greatly increased immediately after the new Pontiff imparted the first Apostolic blessing from the inner portico of the aforementioned Temple. Furthermore, the solemn coronation, which took place in the same Basilica of St. Peter on the ninth day of that same month, proved to be a manifest and infallible demonstration of faith and devotion to the Chair of Peter.

[*Latin ed. p. 6*]

6. Already, the swift winds of news have hastened to bring tidings to the joyous twin hemisphere; and in all Catholic churches, thanksgivings have been offered to God, and voices of joy have been raised, praising that most excellent Pastor, to whom all the faithful are eager to render reverence and obedience. In this election also, it became more clearly manifest how

Translated by churchlatin.ai, a product of Boyne Archives

greatly the judgments of men differ from the judgments of the Lord: for he who, in the days preceding and during the Conclave, seemed to foresee that the glorious inheritance of Leo XIII would not be attained, by the divine operation of the Spirit of Sancti, gradually and imperceptibly moved the minds of the present Electors and Reverend Cardinals to choose the most blessed one, and he himself obtained more than double the share of votes. Therefore, the new Pontiff, under the sweet name of Pius X, will remain in history as the Pastor of Pastors, the Father of all the faithful, and the Vicar of Jesus Christ. And the *Ephemerides* "Acta Sanctae Sedis" not only participate in the common joy, but it also has the particular duty of rendering to the Successor of Blessed Peter a tribute of filial devotion and reverence, while holding fast to the memory of his angelic predecessor, Pius IX, of imperishable memory, and also of Leo XIII, who has recently departed this life, a man of great merit. Indeed, Pius X will undoubtedly complete that work which his blessed predecessors happily began, infusing a greater impetus into the *Ephemerides* so that they may more and more attain their holy and laudable purpose. Therefore, Most Blessed Father, many years, many years!

[*Latin ed. p. 7*]

7. To Your Eminence, mindful that "Where Peter is, there is the Church," while congratulating you on your happy arrival and applauding, while offering filial devotion of mind and exhibiting perfect obedience to you, and demonstrating complete obedience to your desires as well, they rejoice most willingly, as a great reward for graces received. And finally, as a pledge of their steadfast principles, they implore Your Eminence's paternal and apostolic blessing, proclaiming "Christ conquers, Christ reigns, Christ commands, in His Vicar." The Acts of the Holy See record that Pius X, formerly Cardinal Joseph Sarto, was born on June 2, 1835, in the town of Riese, in the diocese of Treviso (Italy), to humble but honest parents. Having begun his studies in his birthplace, and then sent to the college of the city of Castelfranco, he immediately displayed the signs of his genius, so that he flourished wonderfully among his peers, both in his excellent character and in his mental acuity and love. As he increasingly demonstrated a leaning towards science and the ecclesiastical vocation, with the protection and assistance of Cardinal Monaco, he entered the Seminary of Pata vinum, where he received the clerical garb, always devoted to his superiors and classmates. His integrity of life and morals, and his teachable nature, which surpassed those of others, prompted the Bishop of Treviso to entrust him with the care of souls as soon as possible. Therefore, he was first appointed parish priest of Tombolo, and then, in 1867, elected to Salzano. In the exercise of this ministry, Joseph Sarto greatly distinguished himself by his virtues and gained great renown among the clergy. He was everything to everyone, always ready to help with the works of others, and to alleviate

Translated by churchlatin.ai, a product of Boyne Archives

the misery and poverty of others.

[*Latin ed. p. 8*]

8. He was always ready, so that the same Bishop of Tarvisium, in the year 1875, admitted him among the Cathedral canons, and afterwards appointed him Episcopal Chancellor, Penitentiary of the diocesan seminary, Prosynodal Examiner, and Judge in the ecclesiastical court, and finally, when the episcopal see was vacant, he was elected Vicar Capitular by the canons. He not only carried out the affairs of the curia in a remarkable manner, but he also found time to devote his mind to works of apostolic zeal and evangelical charity, especially in the instruction of children. His outstanding qualities, of which he had given a shining example, led to his being appointed to greater responsibilities. When the See of Mantua lacked its pastor, in a Consistory held on November 10, 1884, Pope Leo XIII consecrated him Bishop to govern that diocese. To say how wonderfully he fulfilled this new office, words and time are insufficient. It is enough to point out that he devoted tireless effort, especially to the intellectual and moral education of the clergy, and with such zeal and boundless enthusiasm that the priestly spirit constantly grew among the priests, and ecclesiastical studies were organized, so that the clergy truly became the illuminating light of the age. Nor is this enough: although adorned with the episcopal dignity, he taught young clerics, and in the absence of professors, he personally filled their chairs, teaching philosophy, theology, and canon law. His wisdom is also due for the restoration of the exact observance of the sacred liturgy and Gregorian chant, which are like the eyes of ecclesiastical discipline. He abolished profane music in the churches, replacing it with sacred music, teaching it to the clerics in the seminary, and always showing particular benevolence to the renowned Lawrence Perosi. He also deserves great merit for the restoration of the action of the Catholic life and Christian life. His diocesan synod, which was held again two hundred and nine years ago, in 1888, will remain as an example in that regard. At all times and in all places, Cardinal Joseph Sarto appeared as a prudent and faithful pastor, full of zeal, success, and counsel, an unwearied promoter of all good works. In Mantua, where he received great veneration from all, his name will remain renowned for the organization and the happy outcome of the celebrations of the jubilees of Saint Aloysius Gonzaga and Saint Anselm.

[*Latin ed. p. 9*]

9. Therefore, Leo XIII, on June 12, 1903, in the Consistory, elevated him to the dignity of Cardinal, under the title of Saint Bernard at the Baths, and assigned him to several Sacred Congregations; and in the subsequent Consistory held the same year, he promoted him to the Patriarchal See of Venice. All remember the controversy that arose concerning the execution

Translated by churchlatin.ai, a product of Boyne Archives

of the concession, when the Italian government asserted its claim to royal patronage; but finally, after the dispute was settled, Cardinal Sarto succeeded the glorious See of Saint Lawrence Justinian. Cardinal Sarto overcame many difficulties and prejudices in Venice, and, owing to his excellent personal and pastoral qualities, he won the affection of the diocesans, who still remember his extraordinary generosity. A man of moderate and simple manners, with vast learning and well-versed in both ancient and modern languages, he shines especially through his admirable piety and singular integrity of life. His actions are marked by admirable gentleness, sincere humility, and an indescribable elegance and affability, which inspired reverence and veneration in all those who had dealings with him. When the Venetians first heard of his election to the Papacy, although with a deep sense of sorrow, they were greatly overjoyed. Now, the outstanding virtues of Pius X are shedding their light throughout the entire Catholic world, and may he be granted many years of a glorious pontificate.

[*Latin ed. p. 10*]

10. ACTS OF THE ROMAN PONTIFF: APOSTOLIC LETTERS in which POPE LEO XIII congratulates the Archbishop of Camerano, concerning the happy outcome of the Coronation of the Blessed Virgin Mary "of the Dunes."

LÉON XIII, POPE. Venerable Brother, greetings and Apostolic Benediction.

The brilliant example of faith and piety publicly given these past days by the city of Dunkerque, amidst the most varied demonstrations of joy provoked by the coronation of Our Lady of the Dunes, has deeply moved Us. We have seen that several bishops of France and an immense crowd of people, having come from all sides, eagerly vied in piety, to offer all sorts of honors to the most august Virgin. We have also observed that these acts of religion were not without great devotion towards Our Lord Jesus Christ and without the veneration due to His Vicar on earth. Thus, the more the efforts of Hell redouble in audacity, the more We also have assured guarantees of the salvation of society! Indeed, to heal the social wounds, there is no more effective remedy than the invocation of She who, after, through Her divine Son, procured the salvation of the human race, has deserved to be called the most powerful Help of Christians. Likewise, to calm the waves that have risen, nothing is better than constantly fixing one's eyes on the divine chair of Saint Peter, from which so many benefits have flowed upon France. Therefore, you rightly raise your hope towards God; towards that God who knows how to draw an infinite abundance of good even from evil itself. It is right that you turn your gaze towards the Mother of Mercy, the Patroness of France, so that, through Her, the enemies of the Christian name, enlightened by the lights from on High, may return

Translated by churchlatin.ai, a product of Boyne Archives

to the bosom of

[*Latin ed. p. 11*]

APOSTOLIC LETTER. To the Church, as to a most secure harbor of truth. In the meantime, as a pledge of Our benevolence and as a foretaste of heavenly favors, We most affectionately bestow upon you, in the Lord, the Apostolic Blessing, upon you, upon all Our venerable brothers who attended the festivities of Dunkerque, upon the entire clergy, and upon all the people entrusted to your care. Given at Rome, near Saint Peter's, on the 10th of June, in the twenty-sixth year of Our Pontificate. Leo XIII, Pope. To Our venerable Brother, Etienne-Marie-Alphonse, Archbishop of Cambrai.

(Version) LEO PP. XIII. Venerable Brother, greetings and the Apostolic Blessing. Having witnessed, in the city of Dunkerque, amidst many demonstrations of joy occasioned by the Coronation of Our Lady of the Dunes, an outstanding example of faith and piety, which took place recently, My heart was deeply moved. I observed that a great number of bishops from Galliae, as well as an innumerable throng of people gathered from all sides, were present to render all honor to the most august Virgin. I also recognized that these acts of religion were accompanied by a greater devotion and obedience to Christ the Lord, and to His Vicar on earth. In this way, the more the efforts of the infernal enemy increase in boldness, the more we are persuaded of the salvation of society. Indeed, to heal the plagues of society, there is no more effective remedy than the invocation of Her, who, after Her divine Son brought salvation to the human race, deserved to be called the most powerful Helper of Christians. Likewise, to restrain the aroused passions, nothing is better than to constantly direct our eyes to the divine See of Peter, from which so many blessings have flowed upon Galliae. Therefore, may you rightly place your hope in God, in that God who knows how to receive countless good things from evil. May you rightly turn to the Mother of Mercy, the Patroness of Galliae.

[*Latin ed. p. 12*]

APOSTOLIC LETTERS: We direct your attention, so that, with their help, the enemies of the Christian name may finally be illuminated by divine light and return to the bosom of the Church, which is the most faithful port of truth. As a pledge of Our benevolence, and as a sign of the heavenly graces, We impart the Apostolic blessing to you and to those venerable brothers who were present at Dunkerque during the festivities, and to the clergy and all the faithful who trust in your prudence, and We earnestly commend you to the Lord. Given at Rome, near St. Peter, on the tenth day of June, in the twenty-sixth year of Our Pontificate. Leo XIII. To the Venerable Brother, Our Brother Stephen-Mary-Alphonsus, Archbishop of Kamerik. LETTER from the Most Holy Lord Pope Pius X concerning the 50th General Assembly of German Catholics in Cologne. Beloved Son, greetings and the

Translated by churchlatin.ai, a product of Boyne Archives

Apostolic blessing. The letters which you recently sent to Us on behalf of the group preparing for the Catholic assembly, demand that We testify to Our joy and goodwill, for a reason that is not insignificant. Furthermore, the common duty of congratulation, which, thanks to the divine favor granted to Us in Our office as Supreme Pontiff, you wished to offer, demonstrates filial piety, which rightly unites you all in obedience to the Apostolic See. Moreover, the fiftieth year, which your association is about to complete with happiness, itself suggests that you should certainly hope that the assembly, which you announce will soon be held, will be more solemn and more numerous than ever. Therefore, a just and opportune opportunity is offered to all to rejoice equally: namely, that We, from the highest summit of this Apostolate, as if observing from the peak of a mountain, may be refreshed and delighted by the very sight of so many defenders of the faith, drawn from the ranks of your association, against those who are slipping.

[*Latin ed. p. 13*]

APOSTOLIC LETTERS reveal thirteen errors vehemently opposed: and to you, who, recalling the past, elevate your spirits with the memory of excellent deeds, from which you may hope to reap even more abundant fruits in the future. Therefore, while you contemplate, amidst abundant joys, the duty of offering thanks to God, the author of all good things, We deem it fitting to bestow deserved praise upon you: and this all the more gladly, as the sentiments of admiration and esteem, with which Our immortal Predecessor, Leo XIII, regarded your group, were previously certain and well-known; and all the more solemnly, as, through this testimony of the love of this Pontificate, you will proceed not only with greater zeal, but also with greater alacrity in undertaking the labors for the Church. Nor should we fail to recall the memory of the esteemed Ludovici Windthorst and other illustrious men; whom the homeland and religion lament, who for a long time graced your gatherings with their presence, and who were guided by their authority. Nor should the name of Leo XIII, who at no time failed to foster and increase your Sodality, be relegated to a secondary place; who, through the repeated instances of his paternal benevolence towards the German people, recently left a magnificent monument, when he wished to co-opt the distinguished Bishop of this city, to which you come, into the illustrious Order of the Fathers Cardinals, for his merits. May the Apostolic Blessing, like a heap of all good things which We earnestly pray for on your behalf from God, be added to your common joy, which We impart to all those gathering in Cologne, with a heart filled with abundant love and in the Lord. Given at Rome, on the 17th day of August, in the year 1903, in the first year of Our Pontificate. PIUS PP. X. To Our beloved Son, Charles, Custos, President of the First Catholic Convention being prepared

Translated by churchlatin.ai, a product of Boyne Archives

in Agrippinam, Cologne.

[*Latin ed. p. 14*]

14. FROM THE SECRET BRIEF OF INDULGENCES, indulgences are granted to the members of the Association for Temperance, under the invocation of the Blessed Virgin Mary, for Perpetual Succor, in the diocese of Nantes. POPE LEO XIII. For the perpetual memory of this. As We have learned that in the parish church of the place called "Plessé" in the diocese of Nantes, there exists, or is to be established, a certain pious Association for Temperance, under the invocation of the Blessed Virgin Mary for Perpetual Succor, which, as is asserted, has been canonically erected, and whose members, besides abstaining from drink, are accustomed to practice, or intend to practice, many works of piety and charity; We, confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, grant to all and each of the Christian faithful who shall join this Association in the future, a plenary indulgence, and as described below, to the members of said Association at any time of their death, provided that they are truly penitent and have made their confession, and have received the Holy Sacrament of the Eucharist; or, if they are not able to do so, at least they have invoked the name of Jesus, or, if they are able, have devoutly invoked it, also a plenary indulgence; and We likewise grant to the members of said Association who are now and for the time being existing, a plenary indulgence for all their sins, with merciful remission, in the Lord, if they shall devoutly visit the church, chapel, or oratorium of said Association, once each year, on the principal feast day of said Association, chosen by the members themselves and approved by the Ordinary, or by whichever one they may choose, from among the seven continuous days immediately following, and there shall offer pious prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church. Furthermore, to the aforementioned members, if at least contrite of heart, a plenary indulgence is granted for visiting the church, chapel, or oratorium of this kind on four other days of the year.

[*Latin ed. p. 15*]

FROM THE SECRETARY'S OFFICE: On weekdays, whether feast days or ordinary days, the aforementioned Brothers shall be chosen only once by the aforementioned members and approved by the same Ordinary, as mentioned above, to visit and pray there; on the day that they perform this action, they shall gain seven years and as many forty days of indulgences; and whenever they perform any other work of piety or charity, in accordance with the Society's statutes, we grant them sixty days of remission from the penances imposed upon them, or from any other debts owed, in the usual form of the Church. We also grant permission for all of these indulgences,

Translated by churchlatin.ai, a product of Boyne Archives

remissions of sins, and relaxations of penances to be applied for the benefit of the souls of the faithful detained in Purgatory, as a form of suffrage. Notwithstanding any contrary provisions. These present decrees are valid perpetually, for all times to come. Given in Rome, near St. Peter's, under the Fisherman's ring, on the sixteenth day of February, in the year 1903, in the twenty-fifth year of Our Pontificate. For the Lord Cardinal Macchi, L., S. N. Marini, Substitute. The Most Reverend Cardinal Kopp is appointed Apostolic Legate for the consecration of the cathedral church of Metz. LEO PP. XIII. My beloved Son, greetings and Apostolic blessing. Works which are distinguished by both artistry and devotion, and which clearly demonstrate the piety and generosity of Christians, we are accustomed to pursue and embrace with the utmost diligence, following the example and the custom of the Roman Pontiffs. Since the new cathedral church of Metz rightfully belongs to this category, and it is especially worthy of praise that a most eminent man, William II, the most powerful Emperor of the Germans, took care to have it built, We have decided to add a more solemn ceremony to the consecration of that magnificent monument, which will soon be celebrated. Therefore, having gladly accepted the wishes of the most excellent Emperor himself, which he recently expressed to Us, We entrust this office to you, My beloved Son, so that you may represent Us in this solemn ceremony. Therefore,

[*Latin ed. p. 16*]

16 By this brief from the Secretariat, beloved Son, we grant you the authority whereby, by the office of Our Legate, you may perform the consecration of the doors of the cathedral church of Metz, which we have mentioned above, and may lawfully bless them in the name and with the authority of Ourselves, according to the formula and custom of the Church. Notwithstanding any Apostolic Constitutions and Ordinances, and all other contrary things whatsoever. Given at Rome, near St. Peter, under the Fisherman's Ring, on the fifth day of May, in the year 1903, in the twenty-sixth year of Our Pontificate. ALOIS. CARD. MACCHI. To Our beloved Son, George, of the Holy Roman Church, Priest, Cardinal Kopp, titular of St. Agnes outside the walls, by Apostolic dispensation, Bishop of Breslau. INDULGENCES are granted to the members of the Association of the Most Holy Cross of St. Andrew of Avellino, in the city of Piacenza. LEO PP. XIII. For the future remembrance of this matter. Whereas, as We have learned, a pious and devout association of the Christian faithful, under the title of the Most Holy Cross of St. Andrew of Avellino, has been canonically established in the church of St. Vincent, the martyr, in the city of Piacenza, whose principal purpose is to pray to the Lord for a good death for themselves and for others; We, confident in the mercy of Almighty God and in the authority of the blessed Apostles Peter and Paul, grant to all Christian faithful, of either sex, who shall join this Association in the future, on the

Translated by churchlatin.ai, a product of Boyne Archives

first day of their entrance, if truly penitent and having made confession, and having received the Holy Communion, a plenary indulgence, and as described and as may be described from time to time in this Association, for the members thereof at any time of their death, if truly also penitent and having made confession, and having received the Holy Communion, or, if they are not able to do so, at least having recited the name of Jesus with a contrite heart, and if they are able, with their voice; otherwise, devoutly in their heart, and accepting death as the recompense for sin from the hand of the Lord.

[*Latin ed. p. 17*]

FROM THE SECRETARIAT, 17. Those who, with a contrite heart, shall have attended, even fully, the aforementioned services; and also those who, existing at the present time and for the time being within this kind of Sodality, have truly repented, and have confessed, and have been strengthened by the Holy Communion, shall have devoutly visited the aforementioned church on the feast of Saint Andrew in Avellino, on the feasts of the Holy Wounds of Our Lord Jesus Christ and of Saint Joseph, of the Virgin Mother of God, from the First Vespers, and also on the Friday within the week of the Passion, from sunrise to sunset, on each of these days annually, and there shall have offered pious prayers to God for the concord of Christian princes, for the extirpation of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church; to those who shall have done so fully on the aforementioned days, we grant, in the Lord, mercifully, the full remission and forgiveness of all their sins. To those same members, however, who shall have attended at least on a weekday, on any Friday of the year as mentioned above, and shall have prayed there, we grant for seven years, and for forty days; and to those who shall have visited the same church on any day of the year, on the feast of the Holy Cross, as mentioned above, and shall have prayed there, we remit three hundred days from the penitences prescribed to them, or from any other debts, in the usual form of the Church. We also grant permission for all of these indulgences, remissions of sins, and relaxations of penances, to be applied also for the souls of the faithful detained in Purgatory, as a form of suffrage. These present indulgences are valid for ten years only. Given in Rome, near Saint Peter, under the Fisherman's Ring, on the 1st of July, 1903, in the twenty-sixth year of Our Pontificate. By A. CARD. MACCHI. Acts, Vol. XXXVI, page CDXX, 2.

[*Latin ed. p. 18*]

18. DECREE OF THE ROMAN CONGREGATION REGARDING INDULGENCES. To the General Minister of the Capuchin Order, permission is granted to transfer novices to another location outside of France, without interruption of their probationary period.

Translated by churchlatin.ai, a product of Boyne Archives

Most Blessed Father, Brother Iucundus of Montorio, General Procurator of the Order of the Capuchin Friars, humbly prostrated himself before Your Holiness, and, with the full consent of the General Minister, stated: that recently, Capuchin Religious under the jurisdiction of the French government have been almost entirely expelled from their monasteries, and some have gone to Switzerland, others to Italy, and still others to other places; and consequently, they have taken their novices with them. Concerning this matter, the Holy Congregation of Bishops and Regular Canons, on June 23, 1880, at the request of Father General Commissary Francis of Villa-Franca, granted a grace to the Ministers of France, Corsica, and Savoy, by virtue of which novices could be transferred to another location, without interruption of their novitiate or probationary period. Since the same circumstances now exist, the aforementioned speaker implores the Apostolic benevolence to grant an indulgence for the novices of those same provinces, and if the novices have already been transferred, that they may enjoy the same grace, with appropriate regularization. And God, etc.

By virtue of special faculties granted by Our Most Holy Lord, the Sacred Congregation of Bishops and Regular Canons of the Holy Roman Church, entrusted with the affairs and consultations of Bishops and Regular Canons, having considered the requests of the General Procurator of the Order of the Capuchin Friars, has graciously granted the necessary and appropriate faculties to the aforementioned General Minister, by virtue of which he may grant an indulgence, so that the novices of his Order residing in France, from their houses of novitiate, may be transferred to another location outside of France, even if it requires a change to a suitable religious habit, provided that they are transferred to a place where all that is required for the novitiate is available.

[*Latin ed. p. 19*]

19. IMOLEN. And so that the novitiate, which ought not to be considered as interrupted by the foregoing, may be completed; and that those things which are done by each novice before profession, with a written declaration that they wish to avail themselves of this permission, shall be noted in the books of profession and carefully preserved. Notwithstanding any contrary things. Rome, 16th of May, 1903. D. CARD. FERRATA, Prefect. L. © S. Phil. GIUSTINI, Secretary. CAUSES No. I IMOLEN. JURISDICTIONAL PATRONAGE (1) On the 24th of April, 1903. Facts of the case: In the city of Lugo, Clemens Galanotti, by his will of the 19th of June, 1674, established the erection of a church and confraternity of St. Onuphrius, to which he bequeathed goods currently held by the Congregation of Charity. He himself, among other things: ” (§ 14) appointed the priest Caesar Orsini as chaplain of the church for life, and after his death, someone from the sons of John Baptist Malerbi, provided that he is a priest at that time; otherwise, he wished that the confraternity, lawfully assembled, should

Translated by churchlatin.ai, a product of Boyne Archives

have the right to elect the chaplain perpetually. This (§ 16) person shall administer the care of the church, closing and opening it, and doing all things pertaining to him; and also (§ 11) shall always and perpetually have a room attached to the church, erected for his convenience and use. Furthermore, he ordered (§ 15) that an actor should be perpetually chosen by the confraternity, who shall minister both in the countryside and in the city. (i) Summary of Causes, see XXXV, p. 666, no. I.

[*Latin ed. p. 20*]

20. "The Ordinary and the Regular [Canons] shall provide for the care of the poor, shall cleanse and maintain the church, and shall reside near the church with their families." The appointment of a chaplain was always made peacefully; this also applies to the actual appointment of Canon Joseph Malerbi, who, however, shortly after his election on September 11, 1881, appointed a caretaker for the *clericum* and sacristan, replacing the deceased and another. However, the confreres, who had been dissatisfied with the two previous caretakers, finally resisted, and also appointed someone for the *clericum*, claiming this right exclusively for themselves. This question raised two other, more serious issues: one concerning the right to nominate the chaplain himself, and the other concerning the chaplain's right to have a room attached to the church for his use and convenience. The Imola curia attempted in vain to resolve the matter; finally, the current Bishop Baldassarre, moved by the desire to resolve the dispute amicably rather than legally, issued a decree on January 30, 1902, in which he judged that "the confraternity has the right to nominate the chaplain, but always giving preference to the Malerbi family whenever that family has a priest; and the chaplain has the right to choose the caretaker, as well as the right to the room attached to the church." The confraternity appealed this decree to this Holy Congregation of Bishops and Regular Canons; therefore, the question is now presented for resolution under the following formulas: I. Should the decree of the Bishop of Imola of January 30, 1902, be confirmed or annulled in this case? And to the extent that it is to be affirmed, in the second part, and to the extent that it is to be rejected, in the first part; II. Does the confraternity of St. Onophrius, independently of any active or passive right of the Malerbi family, have the right to nominate its own chaplain in this case? III. Does the aforementioned confraternity have the exclusive right to nominate the caretaker of the *clericum*? IV. Can the confraternity dispose of the remaining rooms for the housing of the caretaker and his family; or must these be assigned to the chaplain?

[*Latin ed. p. 21*]

IMOLA, 21. A Synoptic Discussion. OBSERVATIONS OF THE CHAPLAIN. The defense of Canon Malerbi can be divided into two parts: in the

Translated by churchlatin.ai, a product of Boyne Archives

first, he defends his rights, disregarding the episcopal decree; in the second, he maintains that the decree itself must be upheld. Therefore, with regard to the merits of the question, the aforementioned chaplain endeavors to demonstrate first: that the family of Malerbi has a real and passive right concerning the chaplaincy of St. Onophrius. Indeed, he states that the testamentary disposition (§ 14) is conditioned by three hypotheses; the first refers to the priest Orsini, to whom the chaplaincy belongs for life, unless he voluntarily renounces it; the second concerns Jo. B. Malerbi, provided that, should the chaplaincy become vacant through the renunciation or death of D. Orsini, he has a suitable son; the third finally concerns the confraternity of St. Onophrius, only in the case where, should the chaplaincy become vacant through the side of Orsini, Jo. B. Malerbi does not have a suitable son. The first hypothesis is definitive and grants a temporary privilege; the other two confer a stable and perpetual right, subject to a condition. This condition was fulfilled by Jo. B. Malerbi, who, after the death of D. Orsini in 1721, presented his son Innocent, a priest, for the chaplaincy, and thus transmitted the aforementioned right to his descendants. This has been recognized in fact, either because the chaplains of St. Onophrius, with the exception of a certain D. Tassinari, have always been from the family of Malerbi until the present time, or because the diocesan court, recognizing the current chaplain as a legitimate descendant of the family of Malerbi, according to the foundation's documents, and having been chosen according to the law or the "mind of the testator," granted him investiture in 1881. Furthermore, continues Canon Malerbi, the testator, in order to secure the succession to the chaplaincy, disposed of everything "forever and always"; hence, the family of Malerbi has the right of nomination.

[*Latin ed. p. 22*]

22. It ought perpetually to pertain to the Most Reverend Bishop and the Regular Canon, and this even more so, because the office of the late D. Orsini is explicitly limited by his death; whereas, concerning Malerbi, no limitation is found, except in the single case that, upon the death of Orsini, there is no priest of the Malerbi family present. The present chaplain also argues for this perpetual nature of the right, from the fact that the founder of the benefice, concerning the sons of John B. Malerbi, speaks in the plural; for, according to him, this implies that one ought perpetually to succeed another, whereas in the same chapel, only one chaplain can be present, and it will never happen that more than one chaplain of the benefice are present at the same time. Furthermore, Canon Malerbi demonstrates that the right of patronage, passive concerning the chapel, pertains to the family of the same name, from a twofold fact, namely, a negative fact and a positive fact. The negative fact is found in the fact that the constitutions and capitulations of the confraternity, while relating to its own acts, offices, and officials, present many rules, but establish absolutely nothing concern-

Translated by churchlatin.ai, a product of Boyne Archives

ing the election and functions of the chaplain; which they certainly ought to have done, if, in the absence of Orsini and Innocent Malerbi, the right to actively nominate the chaplain had passed to them. The positive fact, however, is that from the death of Orsini in the year 1721, a priest of the Malerbi family has always been the chaplain of S. Onofrio, and that indeed without any formality other than the confirmation of the Ordinary: which secular practice has been confirmed by the decree of Bishop Tesorieri in the year 1881, absolutely granting to the family of Malerbi the right to nominate the chaplain. Therefore, if not by a specific law or testament, at least by prescription, the family of Malerbi holds an undisputed right to the chaplaincy. Furthermore, says the present chaplain, according to the well-known adage, "although the testator's intention is evident, the interpretation of his will must not be neglected." The testator's will must be interpreted according to his particular benevolence towards the Malerbi family. Thus, it is easily explained how the founder disposes of the right of passive election, and, concerning the active right, although of greater importance and more necessary, he establishes nothing, except in the single case mentioned; for, "the exclusion of one is the inclusion of the other."

[*Latin ed. p. 23*]

IMOLE. On the 23rd, Galanotti was excluded from the rights of the sodality, and by this very act, the rights of Malerbi were included. Indeed, the passive right of election pertaining to Malerbi, since it is perpetual and transmissible, is confused with the active right; therefore, if the people of Malerbi have a suitable priest, the right of electing is applied as both active and passive; on the contrary, if a priest is lacking, it is applied only as active, by nominating a chaplain. Finally, Canon Malerbi presents a testimony from 50 persons asserting that the people of Luci call the church "S. Onophrius" by the name of Malerbi. Secondly, Canon Malerbi attempts to prove that the right of nominating the custodian or sacristan of S. Onophrius exclusively belongs to the chaplain. For it is clear from the will that the custodian of the church is the very chaplain, who "must take care of the church, by closing and opening it, and performing all things pertaining to it." This is also confirmed by the chapters of the pious sodality, confirmed by Bishop Zani in the year 1680, which state: "The chaplain must open and close the church and take care of it according to the will of the testator." The duty of the custodian is to perform those things which are necessary, either by himself or by another who is well-disposed and therefore chosen by him. Certainly, the foundation charter confers upon the members of the sodality the right of electing a person who "will serve both in the countryside and in the town of Luci, who will take care of the poor, and who will clean the church and perform all necessary tasks." But under the name of the actor, the custodian and, much less, the sacristan, are not mentioned. Indeed, the testator himself

Translated by churchlatin.ai, a product of Boyne Archives

distinguishes between two offices, namely that of the custodian and that of the actor; assigning the former, as being more noble, to the chaplain, and the latter, as being more humble, to a worker chosen by the members of the sodality. But today, since on the one hand these two offices are united in a single person due to the calamities of the times, and on the other hand the secondary office must follow the nature of the principal one, it follows that the right of electing the actor belongs to him, to whom belongs the right of electing the custodian. Furthermore, it is in the interest of the confraternity to leave the election of the custodian to the chaplain, so that it may free itself from all burden assigned to it by the congregation of charity. And the congregation of charity...

[*Latin ed. p. 24*]

24. From the ecclesiastical and regulatory documents, granting immunity from the election of a custodian, [the institution] arrogates to itself an undeserved right, because the founder of the endowment explicitly forbade "anyone, even a superior, to change his will, either in whole or in part." However, the decree of Riez, which the brethren claim to have obtained in 1866, granting them the power to elect a clerical custodian, is not only ridiculous, because, as a merely declaratory and not imperative act, it cannot grant rights to those who neither possessed them nor ought to possess them; but it is also a violation of the law, as it encroaches upon matters pertaining to the religious life of the Church. Furthermore, a fact adds to this injustice: from 1880 until the present time, a pious society has not appointed custodians, but rather a chaplain has replaced the two deceased custodians. Indeed, according to the regulations of Malerbi, not only the chaplain, but even the Malerbi family itself, legitimately enjoys the right to intervene in the election, because this family is rather a servant of the same house as the confraternity, while the confraternity is the owner and patron, and exclusively possesses the principal property. Moreover, since 1684, the family has legitimately possessed within the Church of Saint Onophrius one of the three chapels dedicated to the Blessed Virgin Mary of Loreto, which in 1691 was canonically established as an endowment with a perpetual privilege of family burial and funeral rites as if in their own parish, and which in 1868 was reclaimed by the royal treasury; indeed, by virtue of this patronage, the Church cannot, in the future, be closed to divine worship. Furthermore, the Malerbi family has the right in the house attached to the church to have a place for storing the sacred furnishings of their chapel; which are necessary not only for fulfilling their own perpetual legacies, offices, solemnities, and functions, but also for the proper worship of the entire church. Thirdly, the regulations of Malerbi state that the chaplain has the right to a private room in the house for his own use and convenience; as is clearly evident from the words of the will (section 11). However, the precise question arises: does the chaplain today have the

Translated by churchlatin.ai, a product of Boyne Archives

right to this room, when for a long time a custodian has used it? And the regulations of Malerbi answer that the chaplain's right to this room still exists.

[*Latin ed. p. 25*]

IMOLA, 25. [The question is whether] either because he is properly and truly the custodian, or because this right was granted to the chaplain by the testator perpetually; and if a cleric has used it in previous times, it is considered an abuse, which neither makes nor destroys rights. Indeed, this right always remains, even if the chaplain previously occupied another room, because that room no longer belongs to the church today; this is confirmed by the chapters of the sodality approved by Bishop Zani, and by the twenty years during which the same room was used by the chaplain. Furthermore, it is irrelevant that the confraternity cannot otherwise provide lodging for the custodian, because it is not just that the owner should cede a place to the servant, and all the more so because things can remain as they were twenty years ago. Finally, the current chaplain concludes the first part of his prayer, noting that the chapters presented by the confraternity had not been approved by ecclesiastical authority; and that the civil decrees invoked by the same refer only to the relations between the confraternity and the congregation of charity, and not between the confraternity and the chaplain: in cases of doubt, the bishop can interpret the testator's ultimate will, since this does not imply any change. Canon Malerbi, proceeding to the second part of his prayer, declares that he wishes to confirm or reject the episcopal decree, and states that he fully adheres to this decree, and therefore requests that this Holy See confirm it. Bishop Baldassarri, in the first place, established: "The confraternity shall perpetually appoint a chaplain for the church, but shall prefer a priest from the Malerbi family during periods of vacancy." The bishop, as is clear, grants the sodality the right to choose the chaplain, but at the same time grants precedence to the Malerbi family. This precedence is based primarily on the benevolent will of the founder to favor said family, on the constant practice of this precedence, on the impropriety of having two chaplains in the same church, on the necessity of protecting the church from civil suppression by the Malerbi family, and finally, on the expression of gratitude of the confreres towards the aforementioned family.

[*Latin ed. p. 26*]

26. Furthermore, according to the decrees of the Bishop and the regulations, the oratory was furnished with furnishings and sacred objects, and these were restored at the Bishop's own expense. Moreover, Malerbi continues, in the same episcopal decree, it is legally granted to the chaplain the power to choose a custodian, because it is established in the founding documents that the chaplain is the natural custodian of the church, "whose

Translated by churchlatin.ai, a product of Boyne Archives

duty it is to take care of it, opening and closing it, and performing all things pertaining to it": which is confirmed by the ancient chapters of the confraternity, which were the only ones sanctioned by ecclesiastical authority and which state: "the chaplain is to open and close the church according to the testator's intention, and to guard it": and also by the solemn investiture of the current custodian, bestowed upon the chaplain by the confreres through a formal act on October 17, 1881. Finally, the canon concludes, the diocesan Bishop rightly granted the chaplain the right to reside in the room annexed to the church, because this is not only derived from the will, but also from the ancient and still valid chapters of the confraternity, approved by ecclesiastical authority, and also from the fact that the current chaplain has enjoyed this room for the past 20 years.

OBSERVATIONS OF THE CONFRATERNITY. The advocate of the confraternity first notes that the doubt agreed upon by the parties regarding the confirmation or rejection of the Bishop of Imola's decree cannot, strictly speaking, be admitted. For the principle of law is: that causes in a second instance must be of the same nature as those in the first. But in this case, there is no true and proper appeal, since it concerns a decree issued extrajudicially; as is evident from the documents and from the Bishop's own testimony. For there has never been instituted a true and proper judgment, "which is a dispute and definition between the plaintiff and the defendant before a judge" (Santi, de iudic. lib. II, tit. I). It has never appeared who of the two disputants was the plaintiff, who was the defendant; no summons was issued to either party, no one was heard.

[*Latin ed. p. 27*]

IMOLEN. There were twenty-seven witnesses, and no documents were presented; in short, all the essential elements of a proper process were omitted. The bishop himself confesses that he issued the decree with the intention of helping both parties and resolving the matter for the sake of peace, and not according to the rules of law and justice, nor with the intention of allowing the injured party to exercise its own rights; this episcopal intention is more clearly evident from a certain letter of his, sent along with the decree to his brethren. Therefore, the bishop's decree is extrajudicial; and in extrajudicial matters, the act of appeal "is improperly called an appeal, since it is not the prosecution of a case before a superior judge, but rather the true reinstatement of the case or the initial raising of the issue" (Lega, *de iudiciis eccl.*, lib. I, vol. I, p. 599). Consequently, this case is not an appeal from the sentence of the first instance, but rather the case itself in the first instance; therefore, it must be judged on the merits of the issue itself, setting aside the aforementioned decree of the bishop. Therefore, the argument of *res judicata* is futile, either because the extrajudicial decree never became a matter subject to judgment, or because the brethren had a timely opportunity to appeal, which was admitted by the bishop and by the

Translated by churchlatin.ai, a product of Boyne Archives

Holy Congregation. With these premises, the patron of the sodality, proceeding to the merits of the controversy, argues that it primarily belongs to the confraternity of St. Onophrius, independently of any active or passive right of the Malerbi family to name its own chaplain. Indeed, with regard to the active right of election, the testator either names a person himself, namely the two previous chaplains, or he wants the election to be made by legitimately assembled brethren; as for the Malerbi family, not a word is said about this, and yet it is well known that the saying holds: "Where the testator willed, he said; where he did not will, he was silent." Moreover, the current chaplain, imitating his predecessors, presented a petition to the brethren so that he might be elected. The Malerbi chaplain also argues that his family has a right of patronage based on the fact that it has borne significant expenses for the upkeep and restoration of the church for many years.

[*Latin ed. p. 28*]

28. FROM THE HOLY FATHERS AND CANONS, but the advocate objects, arguing that only the congregation of charity has borne all the expenses related to the maintenance and upkeep of the chapel. And if, at any time, the Malerbi family contributed something, they were more than compensated for it by a stipend drawn from the goods of the church, for their caretaking, contrary to the will of the sodality. However, the defender denies the patronage and the passive right of patronage to the Malerbi family. For, as he himself observes, the testator himself named two previous chaplains, namely Orsini unconditionally, and hypothetically, one of the sons of John B. Malerbi, if, during the vacancy of the chaplaincy, a priest should be present; otherwise, he stipulated that the election of the chaplain should be made permanently by the members of the sodality lawfully assembled, with the power to change him and to appoint another according to their judgment. Furthermore, the interpretation of the will made by Canon Malerbi cannot be admitted, because the testamentary disposition is so evident that any interpretation contrary to the literal meaning is superfluous, indeed, and harmful to the testator's intent. The reason adduced by the same canon, namely that the Malerbi family had greatly benefited from the inheritance of Galanotti, is irrelevant, except to show that, when the founder intended to benefit them, he spoke clearly; but when he did not intend to, he said nothing. Moreover, the testator did not intend for all the sons of the Malerbi family to be eligible for the chaplaincy, but only one of them in the case of a vacancy. But even if the testator had called several of the sons of John B. Malerbi to the chaplaincy, those called are undoubtedly not to be considered descendants, because, according to the common opinion of the doctors, grandchildren are not included under the name of "sons" and much less great-grandchildren: "For it is well known that all descendants, whether male or female, are included under

Translated by churchlatin.ai, a product of Boyne Archives

the name of 'sons' in trusts and in the right of patronage." (Rota coram Veri, decree 137, n. 29). "Generally and properly speaking, grandchildren are not included under the name of 'sons'." (Menocchio, cons. 215, § 6). And De-Luca does not hesitate to affirm: "Under the name of 'sons,' grandchildren are not included, and much less great-grandchildren." (De Fideicom., disc. 236, § 4).

[*Latin ed. p. 29*]

IMOLEN. 2Í) The fundamental distinction, also admitted in Roman law, between the terms "son" and "family" lies precisely in this: for the term "son" excludes nephews and descendants from the vocation; whereas "family," on the contrary, includes all: "We decree that the term 'family' should have such force that parents, children, and all relatives should be signified by this appellation" (Cod. V, de verborum significatione). Furthermore, it is futile for Malerbi to appeal to prescription, whether because he himself, without any presumption of law, requested that the confraternity choose him as a chaplain; or because, since 1860, only three chaplains have been chosen from the Malerbi household, even though, at times, the chaplaincy was vacant and priests of the same name were present; or finally, because, even granting that all the priests of the Malerbi family have been chaplains of St. Onophrius, it cannot be inferred from this that the family acquired this right through prescription, for there is a lack of the will of the dominant party, since the chaplains themselves possessed the chaplaincy as freely elected representatives of the confraternity. Certainly, the advocate continues, the Malerbi family enjoys the right of patronage over the chapel of the Blessed Virgin Mary of Loreto, located in the church of St. Onophrius, and therefore the congregation of charity should be prohibited from suppressing that very church; but from this, it by no means follows that the same family has the right, by law, to appoint a chaplain of the confraternity. Regarding the subscription of 50 persons asserting that the people of Luke of St. Onophrius call the church the property of the Malerbi family, the speaker notes that the people cannot concern themselves with legal distinctions, and that the reason for this popular opinion must be derived either from the fact that the Malerbi family possesses chaplains in the church, or from the fact that it has, for many years, abusively retained the keys of the residence and the church, exercising absolute authority. Furthermore, not a few of the subscribers, who at that time were not even aware of the present controversy, today declare that they are prepared to state that more educated citizens believe that the chaplain depends on the confraternity, to which the property belongs.

[*Latin ed. p. 30*]

30. EX S. C. EPISC. ET REGUL. ECCLESIAE. Ergo, cum ius confraternitatis sit diversum a iure Malerbi, nihil impedit ut duo habeantur capel-

Translated by churchlatin.ai, a product of Boyne Archives

lani, unus sodalitatis et alter Malerbi; immo hoc etiam inconveniens tolli potest per conventionem, vi cuius capellanus ecclesiae, sicut anteactis temporibus, onera quoque Hae Malerbi adimpleat. Secundo, advocatus probare adlaborat ad confraternitatem exclusive pertinere ius nominandi custodem; nam in "testamento statuitur: « a confraternitate in perpetuum fieri electionem actoris, qui servat tam ruri quam in civitate, curam gerat pauperum, curet ecclesiae nitorem eamque ornat, atque omnia necessaria peragat »". Qui proinde sub dependentia consodalitii, praeterquam officia simplicis actoris, alia quoque clerici-custodis adimplere debuerit. Hodie vero officium actoris proprium propter usurpationem pii Operis a congregatione caritatis factam cessavit, sed alterum clerici officium intactum permansit; ideoque confratres qui, independenter a capellano ipsaque familia Malerbi, iure gaudebant eligendi actorem-custodem, officio illius ob maiorem vim cessante, adhuc retinent potestatem eligendi clericum, qui curet nitorem ecclesiae et alia necessaria peragat. Ceterum, observat orator, ecclesiae custos a confratribus est eligendus hac quoque de causa, quia nempe iuxta testatoris mentem confratres sunt custodes nati ecclesiae, ac proinde ius habent eligendi personam sibi benevisam, quae eorum vices gerat in materiali templi custodia. Quamobrem ipse Galanotti onus custodi imposuit continuae residentiae, quae ex lege canonica iurisdictionem ecclesiasticam minime importat, in domo ecclesiae adnexa; dum e contra capellano tantum assignavit liberum cubiculum, quem pro suo lubito habitare posset. Hinc capellanus Malerbi dici nequit custos natus ecclesiae, eo quod obligationem habitationis perpetuae penes ipsam minime habeat; sicuti verificatur in parochis, qui soli sunt suarum ecclesiarum custodes propter obligationem continuae residentiae. Igitur, can. Malerbi est...

[*Latin ed. p. 31*]

IMOLEN. A simple chaplain of the confraternity, to whom pertain only certain religious functions. The matters pertaining to the capitulars, which the aforementioned canon presents as having been approved by Bishop Zani in the year 1680, are either in conformity with the testament and therefore have value, because they derive their binding force from the testament itself; or they are in disagreement and therefore are of no value, because no one, except the Pope, can validly derogate from testamentary dispositions. Furthermore, there exists a set of capitulars which the confraternity imposed upon the present chaplain during his election, which he refuses to acknowledge; but in these, not a single word is made concerning the custody of the church granted to the chaplain, indeed, absolute dependence of the same upon the confrer brethren is prescribed. Moreover, from what is stated, the Malerbi family cannot, in the church, deprive the confraternity of the right to elect a chaplain, even against the will of the confrer brethren; therefore, the care of the chapel pertains to the confraternity, and not to the entire church; as the Malerbi family, with the exception of the current chap-

Translated by churchlatin.ai, a product of Boyne Archives

lain, has always maintained, as is evident from numerous documents, and in particular from a petition presented by a certain Chrysostomus Malerbi in the year 1771 to the confraternity. The advocate concludes by observing that all the custodians have, until the present day, always been elected by the confrer brethren, and have been sanctioned by ecclesiastical and civil authority. Thirdly, the advocate contends that the remaining room should be assigned to the custodian and his family, and not to the chaplain. Indeed, after the Congregation of Charity has usurped the entire house attached to the church, only two rooms remain, which seem to be to be granted to the custodian, who, according to the foundation statutes, is continuously required to reside there with his family within the church, by reason of his own office; whereas, on the contrary, the chaplain has the right only to occupy a room for his own use and convenience, when it seems suitable to him. In a conflict of two rights, it is necessary to yield to the lesser one; and necessity must precede convenience.

[*Latin ed. p. 32*]

32 FROM THE MOST REVEREND BISHOP AND THE RULES: It is necessary to consider this matter. Even more so, because the dwelling now assigned to the custodian, consisting of only two rooms, is less fitting for a chaplain; on the other hand, the confraternity, prepared by the Congregation of Charity, should request another dwelling more suitable for itself. Furthermore, since the year 1800, only the custodian, and not the chaplain, has occupied that room, to which the chaplain Tassinari relinquished his claim, having received due compensation from the confraternity. Nevertheless, the current chaplain, at his own discretion, has possessed the room and the adjoining space, as well as the keys to the church; hence the indignation of the confreres, who have abstained from performing religious duties. OBSERVATIONS OF THE BISHOP: The Bishop of Imola, moved more by the desire to peacefully resolve the dispute than to settle it legally, issued a decree on this matter on January 30, 1902; today, he presents the reasons for his judgment to this Holy Tribunal. First of all, he recognized that "the confraternity has a perpetual right to nominate a chaplain, granting, however, the family Malerbi precedence in the election, based more on convenience than on law, if in the event of a vacancy, a priest is present from that family." Indeed, the Bishop writes, "from the will, it appears that the testator had a benevolent disposition towards the family Malerbi, either because he left them a certain house, or because he himself administered the sacred chrism to John B. Malerbi, or because he named a priest from among his sons as the successor to the first chaplain, or finally, because the wife of the testator, who was the deceased chaplain, granted the same family the burial place and other functions." This is confirmed by the constant practice, by which the confraternity has always given precedence to the family Malerbi in the election of the chaplain. In addition, the Bishop

Translated by churchlatin.ai, a product of Boyne Archives

continues, the confraternity needs to have the family Malerbi as a friend, because, since it has the perpetual right of patronage over the chapel, as well as the right to burial and other functions, it alone can prevent the church itself from being suppressed by civil authority, should that occur.

[*Latin ed. p. 33*]

IMOLA. 33, praesertim in congregatiōne caritatis, quae tenetur expensas cultūs solvendi. Propter hanc causam, Episcopus Moretti, anno 1870, non potuit concedere translationem Missarum ab ecclesia S. Onophrii, quia ipsa praelatio est signum gratitudinis confraternitatis erga gentem Malerbi, quae ecclesiam dedit cum multis et splendidioribus sacris, et quae providet de necessariis pro quotidiano cultu, et quae magnum partem habuit in ipsa ecclesiae instauratione. Denique, si capellanus familiae Malerbi non esset etiam capellanus ecclesiae, oriretur inconveniens habendi in eadem ecclesia duos simul capellanos. Praeterea, Episcopus Imolae concedit "capellano ius nominandi custodem seu sacristanam ecclesiae, qui eius vices geras, quamvis convenientia postulet ut hic quoque sit a confraternitate acceptus." Nam ex testamento liquet capellanum pro tempore esse custodem natum ecclesiae, cum ipse debeat eiusdem curam gerere in ea aperienda et claudenda et omnia ad eum spectantia peragendo. Ut talis, recognitus est a praedecessoribus episcopis in pluribus capitulatis, praesertim vero in illis ab Episcopo Zani anno 1680 approbatis; ut talis, ipsa confraternitas per actum authenticum diei 17 Octobris 1881 declaravit actualem capellanum. Deinde, Episcopus, ad maiorem rei intelligentiam, advertit testatorem duas personas, nempe actorem qui serviat ruri et mundet ecclesiam, et capellanum qui curam geras ecclesiae, eam claudendo et aperiendo et omnia ad eum pertinentia peragendo. Horum primus ratione officii est villicus et verrens ecclesiam, cuius electio ad confratres spectat; secundus est capellanus, qui arbitrio suo alium deputare potest vices suas gerentem, cuius proinde nominatio ad eum pertinet. Tandem, Episcopus decrevit "capellanum ius habere ad habitationem ecclesiae adnexam pro suo usu et commoditate," quia haec est expressa voluntas testatoris. Modo proponuntur prudenti iudicio Patrum, sequentia, Acta, Tomus XXXVI, fase. C, D, XXI, 3.

[*Latin ed. p. 34*]

34 FROM THE MOST HOLY FATHER, EPISCOPAL AND REGULATORY DECREES, QUESTION I. Whether the decree of the Bishop of Imola, dated January 30, 1902, should be confirmed or annulled in this case; and to the extent that it is affirmative concerning the second part, and negative concerning the first part. II. Whether the confraternity of Saint Onuphrius pertains, independently of any active or passive right of the Malerbi family, to the right of nominating its own chaplain in this case. III. Whether the aforementioned confraternity exclusively possesses the

Translated by churchlatin.ai, a product of Boyne Archives

right of nominating the cleric-custodian. IV. Whether the confraternity can dispose of the remaining rooms for the habitation of the custodian and his family; or whether it must assign them to the chaplain. Resolution: The Most Reverend Fathers, having knowledge of and discussed the matter, on April 24, 1903, judged it fitting to respond as follows: I. Affirmative concerning the first part, namely, that the decree should be confirmed according to the following manner. The manner is as stated below. II. Affirmative; however, it should be considered just that, in the event of a vacancy, if a priest from the Malerbi family is present, the confratres, all other things being equal, should prefer him. III. It is pleasing to reach an agreement and according to the following intention: that the nomination of the cleric-custodian should be made by common consent between the confraternity and the chaplain, and in the event of disagreement, the Bishop should provide a solution. IV. The Bishop should reconcile the rights of both parties, acting with prudence and justice.

[*Latin ed. p. 35*]

55 FROM THE HOLY CONGREGATION FOR THE CAUSES OF SAINTS, IN VOLUME Number V, BERGOMEN. COLLATION OF BENEFITS (1) On May 16, 1903. Session 24, chapter 14, Concerning the restoration of the Matrimony. The facts are as follows: From ancient times, the chapter of Bergomen enjoyed a prosperous and fortunate state; for, besides three dignities, namely the archdeacon, the prelate, and the archpriest, there were forty-one canons, who devoted themselves to the celebration of sacred ceremonies and to the service of the Church, along with a greater number of chaplains and others engaged in manual tasks. However, in the year 1798, due to the disturbances of the Republic, all the goods of the chapter were seized, and it was brought almost to ruin. Nevertheless, Emperor Napoleon, through a convention initiated in the year 1803 with Pope Pius VII, restored certain goods and revenues to the chapter under the title of "Fondi Religionis"; thus, the archpriest, a theologian, a confessor, and ten canons were restored, along with nine choral chaplains. The chapter reports that it has undergone another change, and it laments this deeply, namely, that it was then deprived by Napoleon of the perpetual and constant right to confer all dignities, canonries, and benefices. (1) Cf. Summary of causes, reported in Volume XXXV, page 689, number V, in folio.

[*Latin ed. p. 36*]

36 From the later decrees of the Holy General Council; the aforementioned Emperor did not hesitate to attribute this right exclusively to himself. Subsequently, the Emperor of Austria, who previously, by decree of July 15, 1815, had granted himself the right to appoint canons and chaplains, and later, by decree of April 10, 1817, retained the right to nominate canons,

Translated by churchlatin.ai, a product of Boyne Archives

ordering that chaplaincies be conferred by the bishop. Matters remained thus until the year 1855, when an agreement was concluded between the Emperor of Austria and Pope Pius IX; and in article 22, it was stipulated: "In all metropolitan, or archiepiscopal, and suffragan churches, Holiness will confer the first dignity, unless private lay patronage exists, in which case the second will be substituted. For other dignities and canonical prebends, His Majesty will continue to nominate, except for those that are of free episcopal collation, or that are subject to legitimately acquired lay patronage." However, this law did not long endure, since in 1859, the Kingdom of Italy acquired control over the government of these provinces. This also enacted laws that overturned ecclesiastical affairs, and reduced the number of canons to twelve, and chaplains to six; and it did not deem it necessary to attribute the collation of benefices to itself. Therefore, the capitulars report that, from 1866, they had summoned the bishop before His Sacred Ordinariate, in order to claim the right to confer canonries and prebends, which had long been prohibited due to the usurpation of civil power. Such an intention of the chapter was not without difficulty in its execution, because in 1871, a law was enacted, entitled "Delle guarentigie," which stipulated that all benefices that were not properly subject to royal patronage, should be left to the collation of the ordinaries. Nevertheless, the bishop resisted the petition of the canons, arguing that the chapter had relinquished its rights, and that those rights had been transferred to the bishop. This question, among others, was discussed at the plenary assemblies of His Sacred Council on July 20, 1878, and a decree was issued requesting further evidence; but in truth, the dispute continued until the present time, and since the matter could not be resolved peacefully, the advocates of both parties contested the following formulas of doubt:

[*Latin ed. p. 37*]

BERGAMO. 37. Question: Does the authority of the Chapter of the Cathedral Church of Bergamo extend to the right of appointing the canons of the same Cathedral Church, with the exception of the Theologian and Penitentiary, and other canonical offices, concerning which provision has been made otherwise in the founding statutes?

2. Question: Does the authority of the same Chapter extend to the appointment of all canons, without exception, including the Theologian and Penitentiary, in the aforementioned case?

3. Question: Does the authority of the same Chapter extend to both the appointment and the canonical institution of the Archpriest of the Chapter, to whom the care of souls is attached, subject to the prior approval and examination of the Ordinary, in the aforementioned case?

4. Question: Does the authority of the same Chapter extend to the right of appointing the Chaplains of the Choir, the Masters of the Choir and of Ceremonies, who are present in the same Cathedral Church, in the afore-

Translated by churchlatin.ai, a product of Boyne Archives

mentioned case?

SYNOPTIC DISCUSSION OF THE RIGHTS OF THE CHAPTER.

Regarding the first question, the patron of the Chapter presents the rule of common law, which is certain and fundamental, namely that the collation of cathedral benefices pertains simultaneously to the Bishop and to the Chapter. Indeed, Barbosa (De can. et dign. cap. XIV, n. 2), states: "The common opinion of the Doctors holds that the collation pertains to both the Bishop and the Chapter, and it is commonly said that the provision of benefices in cathedrals is simultaneous for the Bishop and the Chapter, because the Bishop, as the head, and the canons, as members, constitute one body in the Church; the Chapter knows what is done by the Prelate." Cardinal De Luca, upholding this opinion, affirms: "This opinion does not admit of further controversy" (De beneficiis, disc. 1, n. 25); nor does Rigantius (in Reg. II, Cancell. § 3, n. 324); nor does Scarfantonius (Tom. II, in appendice, p. 213, edition of Lucca, 1723), etc. The Roman Sacred Rota explains the reason for this discipline as follows (Dec. 585, n. 40, part. V, rec.): "The Sacred Canons, presupposing the existence of benefices in a certain church, and especially in a cathedral, consider them to be founded..."

[*Latin ed. p. 38*]

38 From the common revenues of the Church itself, both the chapter and the bishop are equally entitled, as a consequence, to the right to confer [benefices], in the same manner as if the administration or dominion of those same revenues were common. Thus, the Canonists teach; for example, Scarfantonio (Vol. I, p. 11, n. 16). But learned men also present another reason for this; because, indeed, according to the ancient laws of the Church, all elections ought to be made with the common deliberation of the bishop and the clergy, as Thomassin testifies (Ancienne et nouvelle discipline, part. IV, book II, chap. IX, n. 11). The same right applies also to the conferring of capitular dignities. Leurenius writes (Forum beneficiale, part II, sect. 3, c. 2, quaest. 670): "The same must be said of dignities; insofar as it pertains to common law, they relate to the simultaneous collation by the bishop and the chapter (Garcia, p. o, c. 4, n. 20, according to the decision of the Rota in Tarragona, June 9, 1600; and the Abbot of Palermo, in c. Cum Ecclesia Vulterrana, concerning elections)." Nor does Barbosa differ (De canonicis et dignitatibus, chap. XIV, n. 5). And the advocate continues, if this is the common law, this law can be altered by contrary custom, 'so that the right of collation pertains to one bishop, or to one chapter. This is manifestly demonstrated by the celebrated decree of Innocent III to the bishop of Fiorentino (lib. I, tit. VI, cap. XXXI: Cum Ecclesia Vulterrana). All canonists admit the prescriptive force of this exception. Ferraris, in verbum,

Translated by churchlatin.ai, a product of Boyne Archives

Capitulum, art. 1, n. 13, says: "The chapter may have the right to confer benefices, even to the exclusion of the bishop, as is clearly deduced from cap. Nulla 2, concerning the granting of prebends; otherwise, the devolution from the chapter to the bishop would not occur, as is stated in the cited cap. Nidia, words. And Bernard notes, there in princ.; Abb. num. 5; Fagnan. num. 40." The same Ferraris has, in verbum, Canonicatus; thus, the Holy Rota has consistently judged (Dec. 121*, part. XIX, rec.; and dec. 244, part. XVI, rec.). Applying this doctrine, the advocate in his thesis says,

[*Latin ed. p. 39*]

BERGAMO. Chapter 39. The chapter of the cathedral church of Bergamo is in the best of conditions, because the right to confer benefices was not acquired by prescription against the bishop, but was possessed by it from the beginning, so that the bishop cannot prove that his predecessors, at any time, even the most remote, were subject to this right, either alone or together with the chapter. Indeed, not only in Bergamo, but almost throughout that entire region, from the most ancient times, it has been the custom for the clergy of individual churches to confer vacant benefices; and this not only in cathedral churches, but also in others. See Joseph Ronchetti in the fifth volume, published in 1817, pages 116 and 117, of the work which he entitled: *Memorie istoriche della Città e Chiesa di Bergamo, dal principio del V secolo, sino all' anno 1428*; and also the anonymous author of Pavia (chapter 18, page 40, Milan edition, 1727), who was perhaps Sigebert of Avignon, and whom Anthony Louis Muratori published in volume XI of *Rerum Italicorum Scriptores*. Furthermore, since serious disputes had arisen within the chapter, a concord was initiated, the instrument of which is still preserved in the chapter's archives, and in which several statutes are contained regarding the election of canons by the chapter. The orator said that when the canons were deciding, the bishop of Bergamo was present, and not only did he not protest against this right, but he confirmed everything that was done by the chapter, and lent his authority to it, and subscribed to the instrument of concord. To this was added the confirmation of the Archbishop of Milan and of Pope Clement III. There also exist letters from Pope Sixtus IV to Francis of France, a canon of Brescia, in which it is openly asserted that the conferring and provision of benefices in the cathedral church of Bergamo belongs to the chapter. And many commendatory letters are preserved in the chapter's archives, in which the canons are urged to promote some cleric to a canonical benefice, and to receive him as a brother. When, in 1572, on September 17th, Pope Gregory XIII, by a Brief, ordered that the apostolic reservations be observed in the cathedral church of Bergamo, he did not order this of the bishop, but of the canons; not

[*Latin ed. p. 40*]

40. From the decrees of the Council, it is clear that the bishop and the

Translated by churchlatin.ai, a product of Boyne Archives

chapter were the ordinary collators [of benefices] there. And Pope Innocent XI, in his Brief of June 18, 1688, among other things, ordered that privileges, customs, and other rights be observed inviolably; but, the advocate argues, among the rights of the chapter were expressly enumerated "provisions, presentations, and the collation of dignities and canonries." Furthermore, in 1769, the Senate of the Republic of Venice considered it permissible to abolish the apostolic reservations, and turned only to the chapter. Indeed, more recently, when the administrator of ecclesiastical affairs in 1802 questioned the bishop of Bergamo about the condition of the chapter, the latter replied: "All the canonries are of free collation by the chapter, except for the theologian and the penitentiary, who are by the nomination of the bishop and the institution of the chapter." He confirmed this in a letter of July 9, 1806. However, the advocate insists, this practice has been consistently observed in Bergamo at all times, so that the chapter confers all the benefices of the cathedral church, and the bishop confers none, as is evident from the very acts of the chapter; yet, in the fifteenth century, it was not permissible to present these [benefices], because none remained. But in the fifteenth century, we find the chapter electing canons, as from 1466 until 1880. Therefore, after the apostolic reservations were introduced in the cathedral church of Bergamo, the collations of canonries, for four months not reserved, were always carried out by the chapter; indeed, even during the reserved months, if the Apostolic See were then vacant, as happened in May of 1721. And if, at times, a bishop conferred a canonry, the advocate observes, he did so not by his ordinary power, but by a dispensation from the Pope, for those reserved months. Moreover, when, because of some reservation, it was necessary to abstain from collation by the chapter, the chapter did not, however, overlook its right as the ordinary collator. Because the bishop contends that at least the right to confer canonries and benefices on the part of the chapter was extinguished after the ancient chapter ceased to exist, and then another chapter was established; but this is—

[*Latin ed. p. 41*]

BERGAMO. The defenders argue that the patron, in this case, cannot be said to have suffered an injury through spoliation, because the suppression of the institution was a legal act. To this point, Pitonius (Discipline Ecclesiastica, 8, n. 17) writes: "It is necessary to make a distinction, commonly accepted by writers, that either the collegiality has failed in the Church and has remained extinguished due to the authority of a superior, and then it no longer endures... or through oppression by enemies and similar circumstances, and in such a case, collegiality is always considered to endure in essence, even if it is not in actual exercise or use for any considerable length of time." Furthermore, the defenders argue that even the usurpers did not intend to completely abolish these colleges, as the advocate infers from

Translated by churchlatin.ai, a product of Boyne Archives

the words of the Concordat: "The chapters of metropolitan and cathedral churches, as well as those of collegiate churches, shall be preserved, and they shall enjoy the endowments of their goods; (The Concordat of Pius VII with the Napoleonic Republic of Italy, in the year 1803)." The Bishop of Bergamo himself clearly indicated this, when on October 26, 1805, he issued a decree to implement this Concordat in Bergamo. However, the defenders argue that this chapter lost the right to elect canons, from which point the civil authority began to elect them, especially after permission to do so was granted by the Apostolic See, through a convention initiated in 1855 with the Austrian Emperor. But the advocate denies that this is the correct interpretation, arguing that the chapter could have legally decided to relinquish this right, and that if that right was not restored to it by the aforementioned convention, it remains abolished. However, nothing was stipulated in the convention of 1803 regarding the nomination of canons; nevertheless, the French Emperor appropriated this nomination for himself, and the Austrian Emperor followed suit, but after 1855, through the force of the concordat with the Apostolic See, he legitimately began to possess what he had previously unjustly seized. Nevertheless, we believe that the speaker is correct, and that this convention did not so abolish the chapter's right that it could not, by a subsequent agreement, return to its original owner, intact and whole. For Pope Pius IX did not enter into the convention with the intention of depriving the chapter of its right; nor did he wish to deprive either the chapters or the bishops.

[*Latin ed. p. 42*]

42. From the decrees of the Council, but with this one intention, to render the Austrian Emperor deserving of the highest gratitude for the Christian republic. Furthermore, the advocate continues, after the Austrian Emperor lost dominion over the Lombard provinces, the agreement of 1855 in those territories was rendered devoid of any force. Therefore, from that day forward, the chapter of Bergamo was restored to its former rights concerning the bestowal of benefices in the cathedral church, by a certain right of restoration; according to the teaching of Paul (fragment 19 of the Digest, title concerning captives and restoration of rights) and Justinian (§ 5 of the Institutes, concerning the ways in which the right of power is restored). For things tend to recover their former character and state, and constantly cry out to the Lord, and strive with all their might to return to Him; and there are many examples of this in our law, as Rigantius writes (in the ninth book of Caricelius, § 2, numbers 11-13) and Slevogkius (on the union of churches and benefices, dissertation III, chapter I, § 10). And just as, when a union is dissolved, the right of the patron is revived and restored, so too the right of the chapter of Bergamo ceased, until the agreement of 1855 was in force; but when that agreement was abolished in 1859, the chapter's right was immediately revived, and it returned to its former and customary

Translated by churchlatin.ai, a product of Boyne Archives

life. Furthermore, the advocate confirms that this was the intention of the Pontiff, because he only diminished the rights of the chapter to the extent that it was necessary to grant something to the Emperor; but he granted nothing else, neither to the Emperor nor to the bishop, but left everything else with the chapter. Indeed, since the right of collation consists of two rights, namely the right of nomination and institution, the right of nomination, which was granted to the Emperor, could not be exercised by the chapter after the agreement; but the right of instituting the one nominated by the Emperor remained with the chapter even after the agreement. But, even granting this, the advocate insists, that the chapter's right was completely extinguished and abolished in 1855; after the agreement of 1855 was abolished, nothing remained but to apply common law. Therefore, how does the bishop of Bergamo claim for himself alone the right to choose the canons of the cathedral church? For, while the bishop is the ordinary collator for other benefices, the benefices of the cathedral church...

[*Latin ed. p. 43*]

BERGAMO. In the case of Bergamo, not only the bishop, but the bishop together with the chapter, confer the benefice according to common law. However, the bishop, acting prudently, would have acted more wisely had he imitated the bishop of Verona. For, even the chapter of Verona possessed the right to confer canonries in the cathedral church. In Verona, also, the right to nominate the canons was transferred by convention in 1855 to the Austrian Emperor; but when the convention was abolished, the right to elect the canons reverted to the chapter. The advocate, raising the question of Bergamo, argues that, since the chapter of Bergamo is the ordinary collator of the benefices of that cathedral church, it must also be responsible for instituting the elected canons. Indeed, the chapter of Bergamo proceeded to institute the elected canons, even after it was prevented from electing them itself, and the election began to be carried out by the civil authority, as is evident from the acts of the chapter from 1833 to 1854; moreover, even after the convention of 1885, the chapter continued to institute the canons nominated by the Emperor. The advocate maintains that, according to the law of Bergamo, the chapter acted in this manner, as was judged in the case of Verona. – Regarding this matter, when, during the validity of the convention of 1855, a dispute arose between the bishop and the chapter of Verona concerning: "Whether and which rights belong to the chapter of Verona, with regard to the conferral of canonries, after the convention between the Supreme Pontiff and the Imperial Majesty has been enacted," the response was, on January 30, 1858: "The custom in force before the convention must be observed." And on April 9, 1859, when the question was raised: "Whether and how one should stand by or depart from the previous decisions," the Sacred Congregation maintained the previous decisions and ordered that instruction be given, in which instruction, among

Translated by churchlatin.ai, a product of Boyne Archives

other things, it is written: "After the Emperor has made the election, the canonical institution must be given by the chapter." The advocate contends that this same right should be applied to the theological and penitentiary canons. Scarfantonius writes (vol. I, p. 12, Lucan edition, 1723): "The sixth effect (of the right of simultaneous election) is that, although the Holy Council of Trent (session 24, chapter 8, de ref.) has decreed..."

[*Latin ed. p. 44*]

44. From the decrees of the Council, it is understood that the canonry of the penitentiary pertains solely to the bishop; however, if... a canonry of the penitentiary has been established from the endowment, which was connected to the bishop's collation together with the chapter, then, setting aside the aforementioned election, the act of collation pertaining to the chapter is considered preserved; so that the same chapter can confer the canonry upon the person chosen by the bishop, as the Holy Congregation of the Council has also declared. Furthermore, in the book entitled *Elenchus Partium Capituli*, page 49 ter, several instances are noted of the collation of a canonry having been made to a theologian and a penitentiary who were elected. Indeed, the bishop himself took care to refer those elected to the chapter, from which they received the canonical institution. Regarding the third point, the advocate observes that the chapter of the cathedral parish is the habitual parochus, and the archpriest is the actual parochus; namely, the archpriest, in exercising this care, is the vicar of the chapter. For it is clear from a certain ancient statute that the archpriest exercised the care of souls within the city in the name and with the authority of the chapter; and with the same authority, he began to exercise it also outside the city, by decree of the Bishop of Bergamo, on January 20, 1806. In such circumstances, the advocate states, the Constitution of St. Pius V, *Ad exequendum*, of November 15, 1567, must be observed, which states § 4: "Moreover, and we command this, that said perpetual vicars shall not be appointed by the free election of ordinaries, but by the nomination of those in whose churches they are placed, with the prior examination and approval of the ordinaries or their vicars." And there is no doubt about the meaning of this Constitution, as interpreted by Turricellius (De benef. unione, cap. IV, n. 53-55) and Leurenius (Forum benef., pars I, quaest. 116, n. 2). Because, the advocate continues, these elections were truly made with the concurrence of all, it cannot harm the right of the chapter, to which the parish church is united; as Turricellius (De benef. unione, cap. IV, n. 56) and Leurenius (Forum benef., pars I, quaest. 120, n. 2) point out. Furthermore, the advocate asserts, the chapter has not only the right of nomination.

[*Latin ed. p. 45*]

BERGAMO. The archpriest is appointed, but also instituted. For the

Translated by churchlatin.ai, a product of Boyne Archives

chapter of Bergamo has always exercised the right to both elect and institute all canons; and this right, even concerning the archpriest, to whom the care of souls has always been entrusted, has been perpetually held. If the elected archpriest is to be approved by the bishop, he confers upon the archpriest an institute that is valid, but not one that is collative, as the advocate claims is the right of the chapter. "Indeed, two different and distinct institutes are involved in this case: namely, the collative grant of the title, whose subject is the benefice itself, and which proceeds not from the bishop, but from a superior regular; and the other, which, because of its difference from the former, is called a valid institute, whose subject is the simple care of souls, and which proceeds not from a superior regular, but from the bishop alone, in whom this care is rooted; Lotterius (De re beneficiaria, lib. I, q. 33, n. 99)." Thus, the archpriest was instituted by the chapter in the years 1805 and 1829; in the year 1842, by the bishop, but with the consent of the chapter and with its rights preserved; and also in the year 1872, but with the authority of the Sacred Congregation of the Council, for that occasion only, and with the rights of the chapter preserved. Therefore, in the year 1900, the bishop of Bergamo openly violated the rights of the chapter, as the advocate contends, since, without obtaining permission from the Sacred Congregation, and without his ordinary authority, he instituted an archpriest. Regarding the fourth question, the advocate maintains that the election of the chaplains has been perpetually reserved for the chapter, as he gathers from several documents; so that, when it seemed opportune to the chapter, it dismissed them, since the chaplaincies were manual benefices, and the custom prevailed whereby the chapter, at certain times, confirmed such chaplains. Then, due to political upheavals and subsequent events, the number of chaplaincies and their constitution underwent many changes and usurpations by civil authority, until, by law of May 13, 1871, with things almost restored to their former state, the chapter sometimes elected chaplains, but the bishop contended that the right to elect chaplains had already become his. The advocate adds a few words about the offices of the masters of ceremonies.

[*Latin ed. p. 46*]

46 FROM THE DOCUMENTS OF THE GENERAL COUNCILS and other sources. The chapter also perpetually elects these individuals, as is evident from the "List of Chapters" from the year 1698 to the year 1777. Today, by law 1867, the number of chaplains has been reduced to six, and although it appears before civil authority that two of these chaplains perform the duties of ceremonial assistants and choir members, this has not always been true, either in law or in fact. And even in more recent times, the selection of the ceremonial assistants and choir members has often been made by the chapter, for example, in the year 1900; although in the year 1901, at the request of the chapter, it was done by the bishop.

Translated by churchlatin.ai, a product of Boyne Archives

RIGHTS OF THE BISHOP. On the contrary, the bishop's advocate, concerning the first question regarding the chapter's right to confer canonical offices and benefices in the cathedral, recalls that all Doctors unanimously teach that the conferring of all benefices belongs to the bishops; so that, this rule having been established, "according to the disposition of common law and the ancient practice of the Church, all benefices pertain to the conferring of the bishop or ordinary"; (Van Espen, *Ius Can. Un.*, p. 11, sect. III, tit. 4, cap. 1, n. 2). Many canons teach this as well; for example, the Council of Antioch in the year 341 states: "Whatever matters pertain to the Church ought to be governed and administered with judgment and authority by the bishop, to whom the souls of the entire people seem to have been entrusted"; the Council of Toledo III in the year 589: "All things, according to the ancient constitution, pertain to the ordination and authority of the bishop"; the First Lateran Council in the year 1123: "According to the canons of the Apostles, the bishop should have care of all ecclesiastical affairs; no archdeacon, archpriest, or prelate, or dean, shall grant the care of souls or benefices to anyone without the judgment or consent of the bishop; indeed, as the sacred canons have established, the care of souls and the administration of ecclesiastical affairs remain under the judgment and authority of the bishop"; and Alexander III wrote to the Archbishop of Canterbury, stating, "extir-"

[*Latin ed. p. 47*]

BERGOMEN. It is deeply rooted in custom that clerics receive ecclesiastical benefices without the consent of the bishop of the diocese or his officials, who are legally empowered to do so; and, considering how this is contrary to the institutions of the holy Fathers, it is less than fitting. And others, throughout the centuries, have confirmed this with canons (Gagliardi, *De Benef.*, chapter VIII, number I). This discipline is usually understood in such a way that the bishop has a legally founded intention to grant all benefices; therefore, although others, besides the bishop, have, over time, been legally recognized as extraordinary collators, for example, patrons, nevertheless, in the same bishop, that original right has always remained, and indeed, even in the case where the granting of a benefice pertains to another. Thus, if, through negligence, for example, the exercise of this right is lacking in the one who is inferior in jurisdiction, it reverts to the same bishop, and there is room for devolution, as the Cardinal De Luca argues eloquently (Discourse I, *De Benef.*, *Summa Benef.*, § 2, number 6 and number 16); and Garcías (*De Benef.*, part V, chapter 4, number 4) states: "Indeed, according to common law, the ordinary collators are the bishops or archbishops, who, in the granting and provision of benefices in their diocese, have a legally founded intention according to common law." However, the speaker notes that, in legal matters, while this doctrine may be maintained regarding other benefices of the diocese, it is not so

Translated by churchlatin.ai, a product of Boyne Archives

regarding the canonries of the Catholic Church; as can be seen in Fagnan, in chapter *Cum Ecclesia Vulterrana*. But, the more common opinion is that the granting of canonries pertains simultaneously to the chapter and to the bishop. However, the Bergomense advocate argues that this does not help the chapter, since it intends to claim a private right of granting, completely excluding the bishop. To refute this assertion, the advocate notes that, in ancient discipline, the granting of all benefices was solely with the bishop, since the granting and the title of benefices were not distinguished from the title of sacred ordination. Only the clerics had the right, or the obligation, to give their consent or advice to the bishop, because...

[*Latin ed. p. 48*]

48. The assembly of the clergy, like a senate of the Church, was held according to the formulas of the ancient Fathers. With the passage of time, as the ancient rights of the clergy had been rightfully superseded by certain capitular decrees, the bishop came to undertake more and more affairs, entirely without the consent of the chapter, among which were also the granting of benefices; but not in the same cathedral, for it was most important that the chapter should not, without its consent, admit canons and brethren to it. However, the path to completely excluding the bishop was easily taken, especially considering the authority of the chapter, which, for various reasons, had increased and grew greater day by day. This is clearly stated by Berardi (Jus. Can. Un. Vol. I. Dissert. 5, par. 2, cap. 2), as well as by Barbosa (De can. et dign. cap. 14, n. 1 et seqq.). Regarding the simultaneous collation, which was valid according to common law among the Doctors, Berardi, in the aforementioned passage, notes: "How empty are those arguments used by some interpreters who believed that, from certain uncertain rescripts or canons among the Decretals of Gregory I, the simultaneous collation of benefices to both the bishop and the chapter could be derived according to common law, etc." Also, Lotterius (De re beneficiaria, quaest. XX, n. 9). Having considered these opinions, the advocate believes that the right of simultaneous collation can rightly be derived from that principle of the holy canons, according to which the collation of benefices pertains to those of whose goods the benefices are founded or endowed, that is, to the bishop if from the bishop's revenues, to the chapter if from the chapter's revenues, to both if established from the common revenues of the bishop and the chapter. Since it is known that originally the revenues of the bishop and the chapter were common, as they lived together in community, it therefore rightly follows that the simultaneous collation should also be established. "From this original communion of revenues arose the fact that the collation of canonries and prebends in the cathedral church should be carried out simultaneously by the bishop and the chapter...." Secondly, it

Translated by churchlatin.ai, a product of Boyne Archives

must be noted that whenever, due to the aforementioned reason...

[*Latin ed. p. 49*]

BERGAMO. 49, concerning the presumption, that the benefices [ecclesiastical endowments] were conferred from the common funds of the chapter and the bishop, and therefore the simultaneous collation [of benefices] pertains to both, etc." (Scarfant., Lib. L, title II, n. 16 and 28). "Indeed, the right of simultaneous collation does not arise from jurisdiction, but from the presumed endowment made by the bishop and chapter from the common goods of both; and in this lies the root and reason of simultaneous collation." (Riganti, in Reg. 2 Cancell., § 3, n. 53). However, the advocate insists, "we could assert that the bishops, from the very beginning, have, for the most part, endowed the cathedral church. We know that the bishop Albert, in the year 908, and his successors up to the year 1180, made various donations of great importance to the Bergamo chapter. But all the revenues of the Bergamo church, due to the disturbances of the public affairs in the year 1798, were lost in a disastrous manner; so that, although the chapter remained as a legal entity, it was deprived of its endowments by force. Therefore, Pope Pius VII, when entering into negotiations with Napoleon, was concerned about establishing a new form of endowment for the chapters, affected by the civil suppression, and about establishing new benefices. Thus, a single fund, called the Fundi Religionis, was established, from which the benefices of canonries and chaplaincies, about which the question is now raised, were newly erected. From this, the advocate argues, it is clear that the chapter had no part in the endowment of the new benefices, but that the same must be entirely restored from the goods granted by the Supreme Pontiff through Emperor Napoleon, so that, according to the advocate, the Bergamo chapter cannot, by any right, claim even simultaneous collation with the Bishop. Pirhing teaches on this matter (Ius Can. Un., lib. I, title V, n. 84): "Considering the common law, the institution and collation of dignities, canonries, parishes, and other benefices throughout the diocese pertains to the bishop. Therefore, the bishop has a founded intention regarding the institution and deposition in the benefices of his diocese, so that if anyone asserts that a special law applies to him, he must prove it, etc." Furthermore, the advocate, examining the arguments presented by the chapter in proof of the asserted claim, volume XXXVI, page CDXXI. 4

[*Latin ed. p. 50*]

50. Concerning the custom of the General Council, contrary to common law, one must primarily examine the existing documents, such as chapter constitutions, and consider chapter statutes, diocesan synods, canonical visitations to Rome, or even similar visitations conducted by bishops within the Catholic Church, etc.; and one notes that in all of these, individual

Translated by churchlatin.ai, a product of Boyne Archives

rights and privileges of the canons are described, their offices are mentioned, and even the smallest details are recorded; but not a single word is found concerning the power of electing new canons. Indeed, it is spoken of the individual benefits to be granted; these are carefully enumerated, and the revenues are indicated; the patrons to whom the presentation of this or that benefice pertains are frequently named, or even the canonical benefice to which the right of nominating or electing either a chaplain or even a canon is attached is determined; but never is there mention of the right that belongs to the chapter, to elect all the canons or chaplains of the Catholic Church. Moreover, in the case where the chapter, as such, was truly empowered to elect or nominate, as is the case, this is diligently declared in the aforementioned documents, and rules are given so that the act of election may be properly carried out; as is seen in the case of the election of the primicerius, the cantor, the sacristan, etc. However, it is noted that concerning the election and confirmation of new canons by the chapter, nothing is said, no rule is given. Indeed, a rule is given concerning the manner of admitting new canons or chaplains into possession, and of receiving them, and it is mandated that they swear an oath in the hands of the archdeacon; but this is a purely formal institution, which is far removed from the canonical institution, or from the institution of collation of the title, as is clear from the common and accepted distinction.

Regarding the second question, it is always a matter of...

[*Latin ed. p. 51*]

BERGOMEN. The Bergomen chapter possessed fifty-one members. The advocate does not deny that the chapter had the power to confer benefices pertaining to its own church, independently and without external interference; however, he argues that it is not demonstrable that the chapter, in fact, conferred these benefices peacefully and continuously, without opposition from the bishops. According to the advocate, this distinction must be made because, under the ancient discipline, cathedral chapters obtained this privilege due to the communal life they shared, since the canons of the Bergomen chapter also adopted this manner of living; cf. Ronchetti (on the constitution of Bishop Albert, book IV, section 896, and book V, section 954). The advocate admits that this communal life within the Bergomen chapter was not entirely in accordance with the rule of a religious order, and therefore argues that the canons of the Bergomen chapter could not claim the private right to elect their own confreres and to confer benefices upon them, a right that was easily obtained by properly religious colleges. Indeed, in the very constitution of Bishop Albert, after the number of clerics that the income from the common mass could support had been established, these clerics were granted only the power "to choose from among themselves a suitable person who will provide for the canonical office and all its appurtenances, both internally and externally"; Ronchetti (loc. cit.).

Translated by churchlatin.ai, a product of Boyne Archives

In the year 1079, the bishop established an archdeaconate, and in the year 1129, a serious controversy arose regarding the admission of certain clerics; this dispute was settled by Pope Honorius II through Apostolic Letters, in which he resolved the matter and completely confirmed the rights of the bishop. However, because the controversies did not cease, recourse was again taken to the Pope; therefore, the advocate notes, the conferral of benefices was always a source of contention, so that a peaceful custom could not be established until the year 1383. At that time, the advocate continues, the Holy See began to reserve the conferral of benefices for itself, according to certain established rules. These rules were first mandated in writing by Pope John XXII in the year 1330, under the title "Regularum Cancellariae." And the Bergomen chapter dared to resist these papal reservations; thus, in the year 1447, Pope Nicholas V...

[*Latin ed. p. 52*]

52. After the Council had published the rule concerning the months, he did not wish to submit to this rule. And this resistance was so persistent that in the year 1572, Gregory XIII, through a special Brief addressed to the same chapter, had to renew and confirm, according to canon law, the reservations of the months. Nor should it be said, the advocate insists, that at least in the free months, the chapter eventually obtained the power to elect canons: for the bishops, commendably defending their own rights, used all their power and resources to prevent the chapter from undertaking such an audacious act; a solemn testimony to this is found in the report of the Visitation of the Catholic Church carried out by St. Charles Borromeo in 1575. After the Visitation of St. Charles Borromeo in 1575, the advocate notes, many canonries were granted by the Apostolic See, even in the non-reserved months, and also by the bishops themselves, either through delegated power by a special Indult, or through ordinary power in the free months; as is evident from the documents presented by the proponent. Furthermore, with regard to the canonries that are presented, the advocate diligently points out the need to distinguish between those canonries granted in virtue of the asserted chapter right, and those that could have been filled by a canon or dignitary for a special reason, or by virtue of ecclesiastical patronage or otherwise. For those enjoying such a right were not lacking in the Bergomense Church, as is evident, for example, from the chapter statutes of 1357, no. 33. Then, he notes that it is well known that the Bergomense chapter often resorted to secular means in order to achieve its purpose; as reported in 1660 by Cardinal Barbarigo during a Visitation to the Holy See. Turning to the period of public unrest in 1798, the advocate observes that the chapter was restored to new life by the Concordat of 1803, as declared in the Bishop's decree of October 26, 1805. Therefore, the advocate insists, we are dealing with a new law relating to new canonries, whereby, in place of the supposed right of election that is said to have

Translated by churchlatin.ai, a product of Boyne Archives

existed in the Bergomense chapter, the right of ordinary collation prevails.

[*Latin ed. p. 53*]

BERGOMEN. 53 cium is. Some alteration was made, the speaker continues, in the Austrian concordat of 1855; but not in such a way that anything was conceded to the chapter in this matter, but only that the bishop was obliged to present a candidate to the Emperor. In this concordat, the nature of the matter is explained, and the reason for the new canons of the Bergamen chapter is set forth, since it is arranged differently according to the different nature of the benefices. Indeed, in contrast to article 22, where the Austrian Emperor is granted the free nomination of canons, without any presentation by the bishop; in article 25, those canons are excepted "who are subject to a patronage derived from the Religious Fund or from studies"; to whom the Supreme Pontiff, Pius IX, grants the nomination to the Emperor, but limits it by the presentation of the bishop; whose precise provision of article 25 was applied to the canons of the cathedral itself. In this special concordat right, the lawyer observes that, since the King has been granted the privilege of sole nomination by the concession of the Supreme Pontiff, it follows that the canonical institution must belong to the bishop, conferring the office on the person nominated by the King. Moreover, it is a well-established principle of law that the canonical institution is an act proper to the superior, and that it belongs to his jurisdictional power. But the Bergamen chapter does not think so; the speaker argues that, even in the new order of things, it claims the right "to confer the canonical institution." Therefore, taking advantage of the fact that the King nominated a new canon in 1824, it arrogated this right to itself; but the bishop did not return the nomination to the chapter, lest worse things should happen. However, the Austrian government, whenever it notified the bishop of the new nomination, demanded that the canonical institution be conferred by his ordinary authority. Thirdly, the lawyer, arguing about the collation of the archpriestal benefice, to which the care of souls is attached, asserts that what has been said applies even more strongly to the collation of this benefice, according to the common opinion of the Doctors: "Except the dignities of the Catholic Churches which, by common law, are not elective."

[*Latin ed. p. 54*]

54 FROM THE DECREES OF THE COUNCIL, and therefore, their granting pertains solely to the Bishop" (Pirhing, *Jus. Can. Un.*, Book III, Title V, n. 85). Because the true point at issue is that the care of souls belongs to the chapter, while the archpriest is merely a curate acting as a vicar, the advocate responds by presenting two ancient statutes, namely, that the archpriest performs the duties of the Bishop, and that the cathedral church was considered a universal parish; therefore, all the faithful who came to it could receive the sacraments through the archpriest. But, the orator states,

Translated by churchlatin.ai, a product of Boyne Archives

it cannot be deduced from these documents that the cathedral church was a peculiar parish with its own distinct territory, so that the care of souls belongs to the chapter, and that the archpriest exercises it as a curate of that same chapter; this is explicitly declared by St. Charles Borromeo in his Pastoral Visitations, in the year 1575, who states: "No burden of the care of souls falls upon the cathedral church of Bergamo, which is a certain titular parish, etc." And the Cardinal Prioli, Bishop of Bergamo, declared the true nature of the archpriestate, by a judicial sentence in the year 1727, stating: "To the archpriest of the cathedral church of Bergamo, in parishes of the city and diocese which are already provided with or are to be provided with a proper pastor, no right belongs to administer the sacraments or to perform other functions." This sentence was duly confirmed by the Apostolic Nunciature in the year 1731, against the canons who were appealing. Therefore, the orator continues, in all the lists, compiled on the occasion of diocesan synods, the cathedral church is never found among the parishes; nor has the archpriest ever been numbered among the pastors of the city, forming a college and enjoying a special benefit, commonly called the "mensa de parroci." Finally, the advocate concludes, there is a continuous practice since the year of its erection, 1806, namely, through the decree of Bishop Dolfini, until today, so that always, according to canonical form, the archpriest has been chosen by the Bishop with the consent of the chapter. Lastly, the advocate speaks of the granting of choral chaplaincies, noting that, according to common law, there is no...

[*Latin ed. p. 55*]

BERGOMEN. 55 The Doctors argue that the right to nominate [to the position] also pertains to the Bishop. "It is erroneous in the sixth point concerning inferior benefices of the Church; for the Bishop alone can grant these without the consent or counsel of the Chapter" (Fagnanus, in cap. Concerning the Church of Vulterrana, no. 36). However, the Chapter objects, stating that choral chaplaincies are not benefices, but merely offices, supported by ancient stipends for guards and sacristans. The advocate denies this, examining the nature of both. For, as is evident from their duties, namely ringing the bells, lighting the lamps, etc., the guards and sacristans were not true beneficiaries, but simple officials. On the contrary, the advocate argues, modern choral chaplains are true beneficiaries with their own stipends, along with those of the canons, both drawn from the Religious Fund, as is evident from the Bishop's decree of the year 1805. However, since the Chapter maintains that even ancient guards or sacristans should be considered true beneficiaries, and therefore that these modern chaplains should be chosen by the Bishop himself, the advocate responds that perhaps some of the duties of guards or sacristans were, over time, converted into true benefices, and for this reason the Bishops were concerned about asserting this right of collation; for example, certain collations by the

Translated by churchlatin.ai, a product of Boyne Archives

Bishop are found from the year 1551 to the year 1626. Finally, when the Chapter argues that the offices of the master of the choir and of ceremonies are not merely benefices, the advocate responds that this argument is based on a false premise, because these offices are not distinct from the chaplain, but are inseparable from them; it is stated in the Bishop's decree of the year 1805: "... of the nine chaplains, two must also have the duties of master of ceremonies and master of the choir, etc." The orator affirmed that this could not be doubted, because the matter had long ago been decided by the Most Holy Council itself, at the request of the Chapter in the Bergomen case. - Regarding the Resignation and the Conventual Mass, of August 8, 1863, in which two things were decided: a) Choral chaplaincies are true benefices; b) The offices of master of the choir and of ceremonies are determined for specific chaplains.

[*Latin ed. p. 56*]

56. To adhere inseparably to the decrees of the Holy General Council. "Therefore," the advocate continues, "it is not surprising if the bishop has always freely conferred these benefices, and thus, along with the attached offices of the choir and ceremonies, a new chaplain, when transferring from one benefice to another, should likewise resign the attached office. In all acts of conferral, they are expressly called: 'capellaniae chorales of free episcopal conferral,' and in the customary Bull of conferral, it is expressed thus: 'We admit and admit you to the aforementioned beneficial benefice, we nominate and institute you.' The chapter explicitly recognizes the right of the bishop; for, on the occasion of a vacant benefice, the archpriest is accustomed to commend either one priest or another to the bishop. Meanwhile, the Most Reverend Fathers, according to the usual prudence of law, have deigned to clarify the following doubts: I. Does the aforementioned chapter of the Cathedral Church of Bergamo pertain to the right of nominating the canons of the same Cathedral Church, except for the theologian and penitentiary, and other canonries, concerning which otherwise provision is made in the foundation documents in the case? II. Does the aforementioned chapter pertain to the institution of all canons, not excluding the theologian and penitentiary, in the case? III. Does the aforementioned chapter pertain to both the nomination and the canonical institution of the Archpriest of the Chapter, to whom the care of souls is attached, with the reservation of the approval of the Ordinary, after prior examination, in the case? IV. Does the aforementioned chapter pertain to the right of nominating the chaplains of the choir, and the masters of the choir and ceremonies, who are in the same Cathedral Church, in the case? The Resolution: The Holy Congregation of the Council, having maturely considered the matter, responds: It pleases

Translated by churchlatin.ai, a product of Boyne Archives

us, and so it is decreed.

[*Latin ed. p. 57*]

FROM THE SUMMARY OF CAUSES OF THE SACRED COUNCIL, SESSION 57. On July 18, 1903, the Sacred Congregation of the Council was held in the Apostolic Palace at the Vatican, in which, among other things, the following questions were proposed, according to the custom of the same Sacred Congregation, for legal discussion; and which were resolved as follows:

THROUGH BRIEF SUMMARIES OF QUESTIONS.

I. S. MINIATIS - PAROCHIAL CONCORD. R. Deferred and to be considered.

II. VICTORIEN - LEGATES OF MISSIONS. R. According to the opinion.

ON PAGE I, PARISIAN. - DISPENSATION FROM MARRIAGE, (under seal). R. Affirmative.

II. PARISIAN. - NULLITY OF MARRIAGE. D. Whether the judgment of the Parisian Tribunal should be confirmed or rejected in this case. R. The judgment is to be confirmed.

III. CRACOVIEN. - DISPENSATION FROM MARRIAGE, (under seal). R. Affirmative, with caution.

IV. S. DEODATI - DISPENSATION FROM MARRIAGE. D. Whether it is necessary to consult with the Holy See regarding a dispensation concerning a marriage that is valid but not consummated in this case. R. Deferred and the acts are to be completed according to the instructions to be given.

V. LUGDUNEN. - SUSPENSION AND REMOVAL FROM OFFICE. (reserved). R. The prohibition and suspension are to be maintained.

[*Latin ed. p. 58*]

58 FROM THE SACRED CONGREGATION OF THE COUNCIL V. I. VALVEN. – REGARDING REMOVAL FROM A PARISH, (in secret). R. The judgment is to be confirmed and according to the mind [of the superiors]. V. I. I. SYPONTINA - REGARDING RIGHTS. D. 1. Whether the judgment of the Archbishop of January 8, 1902, should be confirmed or annulled in this case. 2. Whether the statue of St. Agnes, Virgin and Martyr, should be restored to the priest Limongelli, or rather, whether the sum, expended in this case for the repair of the statue, should be restored to him. R. Regarding 1, the judgment is to be confirmed, according to the manner and according to the mind [of the superiors]. Regarding 2, negatively to the first part; affirmatively to the second.

VIII. ASCULANA IN APULIA - REGARDING CREDIT, (out of order). D. What sum should the Archpriest Antenozio pay to the priest Conte in this case? R. To the Prefect, with the Secretary.

Translated by churchlatin.ai, a product of Boyne Archives

FROM THE SACRED CONGREGATION FOR RITES – OF THE CITY AND THE WHOLE WORLD. Decree by which, on the occasion of the jubilee of the dogmatic definition of the Immaculate Conception, more privileges are granted. As the fiftieth year approaches from the most auspicious day of December 8, 1854, on which, in the grand Vatican basilica, the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary was solemnly pronounced by Pope Pius IX, so that the course of this jubilee might be directed to the glory of the divine name, to the honor of the same Mother of God, and to the increase of faith and piety, Leo XIII, recently deceased and of blessed memory, appointed a Commission composed of certain Eminences of Cardinals.

[*Latin ed. p. 59*]

According to the regulations of the Sacred Rites (S. C. Rituum) 59, a commission was established to direct and promote the studies and works of each order and group of the faithful, with the aim of serving this special purpose. Now, this Commission of Sacred Rites, under the new and blessed auspices of the Holy Mother Church, eternally united with the heavenly Spouse and Head, and after a brief period of mourning, joyfully adorned with another visible Spouse and Head, reverently presented the common desires and humble prayers of many pastors and faithful to the Apostolic See. These were reported to the undersigned Secretary of the Sacred Congregation of Rites, and Our Most Holy Lord Pope Pius X, receiving them with the utmost benevolence, due to his outstanding devotion and love for the Most Holy Virgin, granted the following: that, beginning from the next feast of the Immaculate Conception of the B.V.M., calculating from the eighth day of each month, or, for just reasons, on the Sunday immediately following, in churches or chapels where, with the approval of the local Ordinary, certain exercises of piety are performed in honor of the Most Holy Virgin Mary, Immaculate, preparatory to the fiftieth anniversary of the proclaimed dogmatic definition, a single votive Mass, whether with singing or read, may be celebrated in her honor, concerning her most holy Immaculate Conception, with the same privileges that apply to a solemn votive Mass for a grave and public matter concerning the cause of the Church, according to Decree No. 3922 on Votive Masses, June 30, 1896, § II, (1), and all that has been granted for the votive Mass of the Most Sacred Heart of Jesus on the first Friday of each month, according to Decree No. 3712 of the City and the World, June 28, 1889 (2), and subsequent declarations: so that such a Mass may be celebrated with the Gloria and the Creed, and with a single prayer, and provided that there does not occur a feast of the first class or a Sunday of the first class, or any feast of the same Most Holy Virgin Mary, on a weekday, vigil, or octave, in which only a commemoration may be made through the prayer of the votive Mass after the prayer of the Mass of the day, with a single conclusion. Furthermore, the same Holiness, fully

Translated by churchlatin.ai, a product of Boyne Archives

satisfying this urgent request, generously granted this as well: that, in the aforementioned churches or chapels, in addition to the aforementioned votive Mass, which is permitted on any eighth day of the month or the immediately following Sunday, a commemoration (1) See Vol. XXXV, page 741. (2) See Vol. XXI, page 694. may be added to other Masses celebrated at that time.

[*Latin ed. p. 60*]

60. Concerning the Holy Ritual of the Immaculate Conception of the Blessed Virgin Mary, modeled after the Feast of double rank, it is simplified: provided that all rubrics are observed. Notwithstanding any contrary opinions. August 14, 1903. M. CARD. MOCENNI. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. On August 22, 1903, at Rome, the Most Eminent and Reverend Cardinal Dominic Ferrata, in place of and acting as the Most Eminent and Reverend Cardinal Seraphin Cretoni, Prefect of the Holy Congregation of Rites, and Promoter of the Cause of Canonization of the Blessed Joseph Oriot, priest, beneficiary of the church of Saint Mary of the Kings in Barcelona, held a preliminary meeting, in which the Reverend Prelates and theological Consultors expressed their opinion regarding two miracles, which are asserted to have been wrought by God through the intercession of the same Blessed One, and which are proposed for his canonization. On September 1, 1903, an Ordinary Meeting of the Holy Congregation of Rites was held in the Apostolic Palace at the Vatican, in which the Most Eminent and Reverend Fathers entrusted with safeguarding the sacred rites presented the following causes: 1. Aesina - Concerning the cult rendered to the Servant of God John Baptist of Fabriano, a priest of the Order of Friars Minor, now called Blessed; 2. Vercelli, or the Order of Preachers - Concerning the cult rendered to the Servant of God John of Vercelli, the sixth General Master of the Order of Preachers, now called Blessed; 3. Segasien - Concerning the declaration of exemptions from the decrees of Urban VIII, as well as the approval and concession of nocturnal readings in honor of Saint Justus, a monk and martyr, the principal patron of the entire diocese and city of Segasien; 4. Armacan - Dublin - Cassilen and Tuamen - Concerning the concession and approval of offices and eulogies to be included in the Martyrology of the particular saints of Ireland.

[*Latin ed. p. 61*]

FROM THE SACRED CONGREGATION FOR RITUALS: 6. Concerning the granting and approval of a feast day with its proper office and Mass in honor of the Patronage of Saint Vincent de Paul, founder of the Congregation of the Missions and of the Daughters of Charity; 7. Buseoducen. – Concerning the granting and approval of an office and Mass in honor of the Blessed Virgin Mary, under the title of Sweet Mother; 8. Tullen. – Concerning the granting and approval of a proper office and Mass in honor

Translated by churchlatin.ai, a product of Boyne Archives

of Blessed Peter Dumoulin Borie, of the Society of Foreign Missions, for the diocese of Tullen; 9. Melitensi. – Concerning the revision of the writings of the handmaid of God, Adelaide Cini, foundress of the Institute of the Sacred Heart of Jesus, in the island of Malta; 10. Neapolitana. – Concerning the revision of the second part of the writings of the servant of God, Louis de Casaurea, a professed priest of the Order of the Minorites; founder of the Brothers of Charity, commonly known as the "Bigi"; 11. Concerning liturgical doubts, and especially concerning the doubt regarding the extension of privileges, which pertain to Apostolic Protonotaries participating in the number, to the Canons of the Patriarchal Basilicas of the City.

FROM THE SACRED APOSTOLIC PENITENTIARY: DOUBTS concerning the payment of tithes. I. The Bishop of Urbaria and Tiferni states that in his dioceses, certain parish priests have petitioned and obtained from the Government a supplementary allowance, in which are estimated compensations for damages arising from the abolition of tithes. Since many faithful continue to pay tithes, he appeals to the Most Reverend Congregation, asking whether said parish priests can freely enjoy the tithes paid by the faithful, and the compensation or supplement which, for the tithes abolished by the Government, they receive. The Sacred Penitentiary responded to the Bishop, the Orator:

[*Latin ed. p. 62*]

62 FROM THE HOLY PENITENTIARY. APOSTOLIC CONSTITUTION: "Concerning the fact that parish priests receive a supplement from the Government in compensation for tithes, and that this supplement should equal the tithes which they previously received; and that the remainder which is provided by the faithful should be allocated to pious causes at the judgment of the Ordinary." Given in Rome, from the Holy Penitentiary, on the 20th of November, 1902. A. C ARC AN i, Regent. A. MARTINI, Secretary. II. "The parish priest N. N., of the diocese of Callien, on behalf of himself and his colleagues, states the following: Our Bishop sent letters to the parish priests of the diocese on the 24th of November, 1900, in order to direct their consciences uniformly regarding the matter of tithes. These letters contain norms concerning which these declarations are required: 1. The fourth norm teaches that "it is not necessary to inform the faithful about what they are not obligated to pay in tithes, but rather to leave it to their own judgment." Now, however, the question arises: When does the case arise, and indeed it is not infrequent, in which a parish priest is directly questioned by the faithful about the validity or cessation of the obligation? What should he answer? 2. Are parish priests who can only decently live on 900 florins, and those who previously had an income exceeding 900 florins before the abolition of sacramental tithes, today, according to the norm expressed under number five, obligated to commit all the proceeds of tithes to the Bishop's disposition, so that they have no right to retain

Translated by churchlatin.ai, a product of Boyne Archives

anything for themselves, or that part which would be necessary to equal their former income? 3. In any case, and especially when it happens that the Government does not provide as much as it ought to, so as not to burden the better ones, could not the norm under number six be tempered, and at the same time, could the parish priest help those in need, to facilitate the fulfillment of the precept? Granting to the Lord Bishop the faculty to equally reduce, according to his prudence, the former tax, so that today, for the tithe, only, for example, half or a third of what was previously paid is given?"

[*Latin ed. p. 63*]

FROM THE APOSTOLIC PENITENTIARY 63. The Apostolic Penitentiary, to the Bishop of Callian, responded: "Regarding the questions concerning tithes, which were submitted by a parish priest from the diocese of Callian, this Sacred Tribunal has judged it not expedient to send a direct response to the aforementioned priest. Following its established practice, and also taking into account the judgment expressed by His Most Reverend and Illustrious Eminence in a letter of August 4th of the current year, this Sacred Tribunal, concerning the aforementioned questions, decrees: 1. Whenever a parish priest or confessor is directly questioned by the faithful regarding the obligation of paying tithes, etc., he must answer that the obligation still exists, notwithstanding the abolition decreed by civil law, since this is in no way relevant in determining matters pertaining to the Church. However, in cases in which the faithful, despite this obligation, might be troubled, the responses given by this Sacred Penitentiary to His Most Reverend and Illustrious Eminence on March 8, 1898 (1), and to the Bishop of Monte Alto on March 7, 1899 (2), should be followed. (1) In the response of March 8, 1898: The Bishop of Callian and Perugia submitted the following questions for clarification to this Sacred Penitentiary: 1. Has the jurisprudence of the Sacred Penitentiary remained the same as in the year 1887, in which, on September 7th, letters were sent to the Ordinaries of Italy, declaring that the faithful, notwithstanding the civil law abolishing it, were still equally obligated to pay tithes, and that those who were reluctant could not be absolved? 2. If debtors of tithes wish to relinquish a property in order to free themselves and their heirs from this obligation, is it necessary to demand such a sum of money that its income would exactly equal the tithes previously paid, or can any reduction be granted? 3. Can a parish priest, when asked, consent to a reduction in tithes, provided that the right to demand tithes is acknowledged by his parishioners? 4. How should a confessor act with penitent heads of families, whom he certainly knows or suspects will not (even if they are able) to pay tithes to the Church, if they remain completely silent about this matter in confession? 5. Furthermore, the Penitentiary responded on March 8, 1898: "To 1. Affirmative. "To 2. Whenever the redemption of tithes cannot be obtained, and the matter

Translated by churchlatin.ai, a product of Boyne Archives

is one of settlement, an equitable reduction can be granted, according to the letters of the Sacred Penitentiary of September 2, 1887, number 5. "To 3. Affirmative, provided that the renunciation is personal and does not prejudice the rights of heirs. "To 4. The confessor should act according to the rules transmitted by approved authors, especially by St. Alphonsus, Moral Theology, book 6, chapter 610." (2) In the response of March 7, 1899: The Bishop of Monte Alto stated that in his diocese, some parish priests had been questioned by the civil government and had obtained a supplement to their income, in which -

[*Latin ed. p. 64*]

64 FROM THE APOSTOLIC PENITENTIARY, 2. Parish priests may retain from the tithes, which are paid to them, that portion which is necessary to make up the total income of the parish, which they enjoyed before the abolition [of tithes], even if this amount exceeds 900 livres. Those parish priests who are unable to live decently with a suitable income of 900 livres, must inform their Bishop of their condition, who, if he deems it necessary, may grant them the faculty of retaining either the whole or a part of the tithes, even if the total amount now exceeds the income they previously had. 3. Regarding the third question, parish priests, with the permission of their own Bishop, may, in particular cases, and for special reasons, temporarily reduce the amount of tithes which the faithful are obliged to pay, diminishing it even to half, or even more, taking into account the circumstances. This, Most Reverend and Reverend Fathers, according to the opportunity and the method which they deem most suitable, will be communicated to the parish priests and confessors, for the declaration and absolution of letters already issued. Given at Rome, from the Apostolic Penitentiary, on the 20th of November, 1902. A. CARCANI, Regent. A. CAN. MARTINI, Secretary. It was considered a compensation for the damage resulting from the abolition of tithes. Therefore, the parishioners believed that they were no longer obliged to pay tithes, especially on the grounds that, since the parish priests already receive an equivalent compensation from the Government, if they were also required to pay the tithes, the aforementioned parish priests would receive them twice, namely once from the Government, in money, and the other time from the parishioners, in kind. Hence, the Bishop, the Orator, proposed the following two questions: 1. Are parish priests obliged to urge the parishioners to pay tithes? 2. Are confessors obliged to deny absolution to those who refuse to pay in this case? Furthermore, the Apostolic Penitentiary, on March 7, 1899, responded as follows: The Apostolic Penitentiary answers both questions: The faithful are not to be troubled, either by the parish priests or by the confessors, provided that these two conditions are verified: 1. That the supplement received from elsewhere by the parish priests is in compensation for the tithes and is equivalent to them; 2. That the faithful themselves are willing

Translated by churchlatin.ai, a product of Boyne Archives

to comply with the mandates of the Church.

[*Latin ed. p. 65*]

65 ACTS OF THE ROMAN PONTIFF: A LETTER whereby Pope Pius X confirms a Cardinal Commission for the fiftieth anniversary of the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary, and proposes a prayer in her honor, along with an indulgence.

To Our beloved Sons:
VINCENZO, Cardinal
VANNUTELLI, Cardinal
MARIANO, Cardinal
RAMPOLLA DEL TINDARO, Cardinal
DOMENICO, Cardinal
FERRATA, Cardinal
GIUSEPPE CALASANZIO, Cardinal
VIVES,
Lords Cardinals.

It is Our duty to cherish in all things the documents and examples left to us by Our august Predecessor, Leo XIII of blessed memory, and especially in those matters which concern the increase of faith and the sanctity of morals. Now, the venerable Pontiff, for the fiftieth anniversary of the dogmatic definition of the Immaculate Conception of the Most Holy Mary, heeding the desire of the faithful throughout the world, that this anniversary be celebrated with extraordinary solemnity, last May appointed a Cardinal Commission to order and direct the appropriate measures to worthily commemorate this auspicious event. We, moved by the same sentiments of devotion to the Most Holy Virgin, and persuaded that in the painful events of these times, we have no other comforts than those of Heaven, and among these, the powerful intercession of that Blessed One, who has always been the help of Christians, confirm you, Lords Cardinals, as members of this Commission; certain that your diligence will be crowned with the most splendid success, also through the efforts of those excellent men who, in addition to their many other merits, are very happy to add this, namely, to place themselves entirely at your disposal to faithfully execute your decisions.

Acts, Volume XXXVI, page CDXXII, 5.

[*Latin ed. p. 66*]

66 LETTER. May the Lord, in this Jubilee year, grant that the faithful raise their prayers through the intercession of the Immaculate Mary, from the most august Trinity, called to participate in all the mysteries of mercy and love, and constituted dispenser of all graces! In this dear hope, We impart, with all our heart, the Apostolic Blessing to you, Cardinals. From

Translated by churchlatin.ai, a product of Boyne Archives

the Vatican, September 8, 1903. PIUS PP. X.

Prayer. O most holy Virgin, who pleased the Lord and became His Mother, immaculate in body and spirit, in faith and in love; in this solemn Jubilee of the proclamation of the dogma that declared You, conceived without sin, to the entire world, deign to regard with kindness those who implore Your powerful patronage! The wicked serpent, against whom the first curse was hurled, unfortunately continues to fight and to ensnare the poor children of Eve. Deign, O blessed Mother, our Queen and Advocate, who from the very first moment of Your conception, crushed the head of the enemy, to receive the prayers that, united with You in one heart, we implore You to present to the throne of God, that we may never yield to the snares that are laid for us, so that all may arrive at the harbor of salvation, and that, amidst so many dangers, the Church and Christian society may once again sing the hymn of liberation, of victory, and of peace. So be it. To those who recite this prayer, We grant, once a day, an Indulgence of 300 days. From the Vatican, September 8, 1903. PIUS PP. X.

[*Latin ed. p. 67*]

TO OUR BELOVED SONS, THE CARDINALS OF THE HOLY ROMAN CHURCH: VINCENTIO VANNUTELLI, MARIANO RAMPOLLA DEL TINDARO, DOMINICO FERRATA, IOSEPHO CALASANCTIO VIVES.

Most Eminent Lords,

If it is our duty to follow the documents and examples left by our venerable predecessor, Pope Leo XIII, of blessed memory, in order to provide great assistance, this is all the more so when those means pertain to the growth of the faith and the sanctity of morals. Indeed, the venerable Pontiff, in order to fulfill the wishes of the faithful of the whole world for the fiftieth anniversary of the dogmatic definition of the Immaculate Conception of the Blessed Virgin, and so that this commemoration might be celebrated with extraordinary solemnities, had, last May, established a Cardinal Commission to consider all that would be necessary for this most worthy commemoration and to direct its proceedings. We also, imbued with the same sentiments of devotion towards the Blessed Virgin, and convinced that in these vicissitudes of times, there is no other help than that from Heaven, which is the powerful intercession of that Blessed One, who has always been the aid of Christians, We, therefore, confirm you, Most Eminent, as members of this Commission; and We are confident that your wisdom will bring about a most happy outcome, and that the efforts of those illustrious men, who have already deserved much praise, will also be gladly undertaken, so that they may devote themselves entirely to this work, and obediently follow your decisions.

May the Lord hear the prayers offered in this jubilee year, through the intercession of the Blessed Virgin, Immaculate, by the most august Trinity, called and constituted to dispense all the mysteries of mercy and love, and

Translated by churchlatin.ai, a product of Boyne Archives

to bestow all graces upon those who are faithful!

In the meantime, rejoicing in this hope, We impart to you, Most Eminent Lords, Our Apostolic blessing.

From the Vatican, on the 8th of September, in the year 1903.

PIUS PP. X.

[*Latin ed. p. 68*]

68. LETTER.

Most Blessed Virgin, who didst please the Lord and art His Mother, Immaculate in body, spirit, faith, and love; in this solemn jubilee of the proclamation of the dogma, which declared Thee conceived without stain before all the world, look down, we beseech Thee, upon Thy miserable children, imploring Thy powerful patronage! The venomous serpent, upon whom the first curse was pronounced, continues relentlessly to pursue and ensnare the miserable sons of Eve. O our blessed Mother, Queen and Advocate, who from the very beginning of Thy conception, didst thwart the head of the enemy, receive the prayers which, with hearts united, we offer to Thee, that we may never be ensnared by the snares of temptation, so that all may arrive at the port of salvation; and may the Church and the Christian society, amidst the dangers, again raise a hymn of liberation, victory, and peace. Amen. To all who recite this prayer, we grant an Indulgence of 300 days, once a day. From the Vatican, on the eighth day of September, in the year of Our Lord 1903. PIUS PP. X.

[*Latin ed. p. 69*]

€9 ACTS OF THE ROMAN CONGREGATIONS FROM THE MOST HOLY COLLEGE OF BISHOPS AND REGULAR CANONS OF ROMA CONCERNING THE REMOVAL OF BURDENS. February 6, 1903. Summary of Facts: In the year 1875, Count Francis Senni acquired, through public auction, a large estate, commonly known as "delia Maglianella," located outside the Porta Oavalleggeri in ROMA. This estate had already been seized by the government through the force of law concerning the conversion of ecclesiastical property and belonged to the Chapter of Saint Michael in Foro Piscium, which had petitioned the Count to make this purchase. The acquisition was made with the permission of ecclesiastical authority and with certain conditions stipulated by the Sacred Penitentiary. After the death of Count Francis and the division of his paternal assets among his heirs, the estate of Maglianella was assigned to his son, Count Vincent. Desiring to definitively manage his affairs, on September 16, 1900, Count Vincent submitted a petition to the Sacred Congregation of Bishops and Regular Canons, requesting the removal and absolution from the

Translated by churchlatin.ai, a product of Boyne Archives

conditions imposed by the Sacred Penitentiary. Regarding this petition, the Chapter of Saint Michael in Foro Piscium was consulted, which refused to grant consent unless under the condition of a suitable compensation. However, this condition was entirely rejected by Count Vincent Senni.

[*Latin ed. p. 70*]

70. FROM THE DECREES OF THE BISHOPS AND CANONS. The Chapter, having previously stated that the late Francis Senni was indeed induced to purchase the estate of Maglianella, which property has now fallen into the hands of speculators, observes that the purchaser did not comply with the conditions imposed upon him by the Holy Penitentiary, and in particular, with the third condition, namely, to contribute a portion of the income from the purchased property, in proportion to the amount exceeding the agreed price, for the benefit of pious institutions or places to which said property rightfully belongs. Furthermore, the Chapter states that nothing has been paid by the Senni family since the year 1875 until the present time, and although the Chapter is unaware of the administration books, because these were never presented by the late Francis Senni or by his heirs, nevertheless, it is certain that a considerable profit has derived from this contract to the purchaser: which the Chapter seeks to demonstrate. It is established that the estate purchased by Francis Senni was sold at public auction for 298,000 *lire*; to which, if we add 2,687.50 *lire* for the redemption of dues in favor of the Priesthood of Biancheri, and 17,000 *lire* for the expenses of purchase and redemption, as well as 4,000 *lire* for improvements prescribed by law, the total amount is 321,687.50 *lire*. However, the Chapter states, the real value of the estate of Maglianella is much greater! This is evident from the fact that before the so-called pseudo-law for the conversion of ecclesiastical property, a transaction had been made for the sale of that estate to the Serafini heirs for 400,000 *lire*; and furthermore, since a public auction was held for 280,000 *lire*, this clearly indicates that the real value of the estate reaches four hundred thousand *lire*, while the commission for the liquidation of ecclesiastical assets customarily held auctions at a price one-third below the real value. Indeed, if account is taken of the method of estimating the value of estates, namely, by tripling their assessed value, since the assessed value of the estate of Maglianella...

[*Latin ed. p. 71*]

ROME, year 1821. In the books, there were 142,927 units; calculated at the present time, its value would be 428,783 units, not including the improvements made to the property by the Chapter since the year 1821. However, Count Senni objected that this large estate had caused an economic loss; and he cites the example of the Chapter of the Vatican and of St. Mary in Via Lata, which reduced the rents. To this objection, the Chapter re-

Translated by churchlatin.ai, a product of Boyne Archives

sponded as follows: The aforementioned Senni himself admits that the net annual income, on average, is 12,673 units, which sum, with respect to the money paid, represents an interest of 4 units for each hundred, which is equal to the interest on public Italian bonds; therefore, according to the Chapter, the loss is not in the fact itself, but in the fact that Count Senni desired to obtain a greater profit; and the examples cited are irrelevant, since the alleged reductions in rents did not occur; indeed, the Chapter of St. Mary in Via Lata introduced an emphyteusis with a certain company for the concession of land for 40,000 units, while the previous sum withdrawn from the contract with a certain Piacentini did not exceed 24,000 units. Therefore, the Chapter concludes, the profit reported by Count Senni in the purchase of the Maglianella estate was 100,000 units. Regarding this profit, the Chapter requests that half be awarded to it for the sake of peace, namely 50,000 units, which sum will serve to compensate for the loss that it will suffer from the upcoming conversion for the reduction of public revenue to 3% for each hundred.

The Objections of Count Vincent Senni. Count Vincent Senni observes that the Chapter is implicitly mistaken: 1. either it does not know the facts, 2. or it exaggerates the value of the estate, 3. or it draws false conclusions from erroneous premises. He certainly concedes that an emphyteusis is more convenient than the alienation of ecclesiastical property; however, he adds that, at present, even the Chapters of the Vatican and of St. Mary in Via Lata, under the guise of condonation, diminish the rent of their properties. Indeed, the price of the lease includes the labor of persons and public taxes.

[*Latin ed. p. 72*]

72. From the lands of the Holy See and the religious orders, the extent of holdings has increased, while, conversely, the value of agricultural produce has diminished. Regarding the estate of Maglianella, Count Senni asserts that he paid 3,216.87.50 lires for its acquisition; that is to say: 2,980.00 lires for the price of the public auction, 2,687.50 lires for the redemption of dues in favor of the Biancheri Prefecture, 17,000 lires for expenses of purchase and redemption, and 4,000 lires for improvements required by law. This is an error. The estate of Maglianella has not possessed, nor does it currently possess, a value of 400,000 lires. There has never been such a generous buyer, and the price of the public auction could not have been lower than 100,000 lires. When Count Senni purchased the estate, he found a lease agreement between the Chapter and a certain Gasparri, which agreement he was obligated to maintain for two years. During this time, Count Senni received 10,625 lires, according to the terms of the lease. Subsequently, he entered into a new lease agreement at an annual rent of 14,500 lires. After 9 years, he entered into a new lease agreement at an annual rent of 15,500 lires, but he was immediately obligated to reduce this to 12,500 lires. Until such time as Count Senni himself was compelled to lease out the estate of

Translated by churchlatin.ai, a product of Boyne Archives

Maglianella, with a minimum annual income of 7,266 lires and a maximum of 14,932 lires. It therefore appears that the price of the old lease between the Chapter and Gasparri, of 10,625 lires, is a better indication of the value of the estate, namely, 200,000 lires, and certainly not 400,000 lires, as the Chapter claims. Furthermore, if Count Senni purchased the estate for an annual payment, he immediately notes that he paid interest, at a rate of 6 lires for each hundred. Given this, while he received an income of 10,625 lires from the estate during the first three years, he was, conversely, obligated to pay 16,084.35 lires for the entire sum of 321,687.50 lires. Moreover, Count Senni asserts that the annual income of the estate, in proportion, is 12,673 lires, which represents a sum of 253,460 lires. However, for the acquisition of the estate of Maglianella, 321,687.50 lires were paid, of which the interest is 16,084.35 lires. On the other hand,

[*Latin ed. p. 73*]

In ROMA, the Count of Senni had annual revenues, after deduction, of 12,673 florins, and therefore lost annually 341.1,35 florins, and for this reason, after 28 years, because for that length of time he was the owner of the estate, he lost a total sum of 9,517,80 florins, which would be increased if the compound interest, as they are called, were added. Therefore, it is an error to say that the estate of Maglianella had or has a value of 400,000 florins, and that the Count of Senni received improperly for 28 years revenues of 120,000 florins. The Count Vincent of Senni adds that "he who now possesses this estate is not the same one who had relations with the Chapter and with the Sacred Penitentiary..." and therefore, "no legal or moral bond binds him." However, Article 5 of the decree imposed by the Sacred Penitentiary on Corniti Francisco Senni contradicts this, namely: "to inform the heirs and successors of such obligations by a signed document for this purpose, so that they too may know to what they are bound." Therefore, Count Vincent would be bound at least by the bond of conscience to observe the conditions already accepted by his father. Finally, the Count of Senni concludes that if the return of the estate were possible, the Chapter should pay him 1,321,687.50 florins, and in addition 9,517.80 florins, with the compound interest waived; as is evident, a total sum of 4,117,205.30 florins. Finally, the Count of Senni notes that now the value of the estate of Maglianella is greatly diminished, because it is located within the boundaries of the agricultural improvement zone of ROMA. Now, the question remains whether and how the supplementary petition of Count Vincent of Senni should be accepted in this case. The resolution of the Sacred Congregation, dated February 6, 1903, responded: "It is pleasing to grant a settlement."

[*Latin ed. p. 74*]

74. FROM THE HOLY CONGREGATION FOR THE CAUSES OF CAN-

Translated by churchlatin.ai, a product of Boyne Archives

ONIZATIONS, IN VOLUME I, PARISIAN FILE, REGARDING THE NULLITY OF MARRIAGE (1), dated May 16, 1903, Session 24, chapter 1, concerning appeals in marriage cases. The facts of the case occurred in Paris on May 29, 1877, when Robert de C, aged 25, and Margaret de B, born in the year . . . , aged 17, entered into a marriage, which, however, proved most unfortunate. For Margaret, it is said, did not freely marry Robert, against whom she held an invincible antipathy, while she harbored affection for another young man. She was, it is asserted, compelled by her grandmother, the Marchioness de M, who, not only exercising supreme authority over the entire family, but also firmly desiring this marriage because of Robert's nobility and wealth, attempted to break her granddaughter's will by any means possible. From the beginning, the husband did not use love or kindness to win the favor of his wife, who was averse to him, but rather began to disgust her, and subjected her to insults and injuries; until, in the year 1886, when marital relations had become impossible due to quarrels and disputes, the wife abandoned her husband and returned to her mother's home. (1) Compare the summary of the cases reported in the file, volume XXXV, page 689.

[*Latin ed. p. 75*]

PARIS. 75. Then Robert petitioned the civil court and obtained a separation, which, at his request, was converted into a civil divorce judgment according to French law in 1889. Subsequently, in 1900, Margaret earnestly petitioned the Parisian Tribunal to declare her marriage null from the beginning due to duress and fear. However, after a proper legal process, the Tribunal delivered its judgment on August 16, 1901: that there was no basis for declaring the marriage null. Against this judgment, the woman appealed to the Holy See; therefore, the matter is presented to this Holy Tribunal for a decision under the question: Whether the judgment of the Archdiocesan Tribunal of Paris of August 16, 1901, should be confirmed or overturned in this case. Observations of Margaret's Advocate. Margaret's advocate divided his argument into two parts; in the first, he discusses fear in general and reverential fear in particular; in the second, he discusses the coercion inflicted upon the girl. And with regard to the first part, he begins with the principle that marriage, being a contract between free persons, must be the result of free wills; and to the matter, he cites the words of Alexander III (Chapter 14 on Betrothals): "Where there is no place for consent, where fear or coercion intervenes, it is necessary that, where the consent of each is required, the matter of coercion be removed. For marriage is contracted solely by consent, and when this is questioned, it must enjoy that full security, so that the mind may be investigated lest, through fear, it say that it pleases when it hates, and lest it follow the consequences that usually result from forced marriages." Indeed, the advocate argues, coercion, whether physical or moral, is opposed to freedom, and it consists of an action exercised upon

Translated by churchlatin.ai, a product of Boyne Archives

the will by an external cause. If this cause is so powerful that it, in a way, substitutes itself for the will, then the will will no longer be the principal and responsible cause of the act, because it is no longer free, and therefore it lacks any legal value. From this, the advocate...

[*Latin ed. p. 76*]

76. From the decrees of the Holy Council, another principle is derived: namely, that no contract is valid if it is based on coercion, when the necessary freedom is lacking in the contracting parties. Coercion, indeed, is exercised through fear, for the will acts to avoid the evil that is feared, an action it would not have taken without coercion. Therefore, fear will be grave and will invalidate a marriage, if coercion was the determining and principal cause of the union. These principles, the advocate argues, must be applied to reverential fear, which does not differ from ordinary fear except in the person from whom it originates, and is defined as: "the estimation of a future evil, which we fear from those in whose legitimate power we are, and whom we ought to honor and respect." Therefore, even reverential fear will be grave and will invalidate a marriage, if it was the principal and determining cause of the contract; which must be judged in each case, taking into account the persons, circumstances, and the context in which the fear is exercised. Therefore, according to the advocate, one would be greatly mistaken to believe that reverential fear requires beatings or acts of cruelty, or threats, or insulting words. For reverential fear can be aroused by other circumstances, namely, insistent prayers, prolonged and importunate persuasions, and imperious words; which, according to the nature and disposition of the one acting or the one suffering, often urge and harass just as much. From these things, in the mind of the one suffering, arises the persuasion of hatred and indignation; which is a grave evil, and by which the will is compelled. This is also the jurisprudence most recently accepted, namely, that prolonged and importunate persuasions, indeed, constantly repeated prayers regarding the proposed marriage, combined with reverential fear, without even threats or beatings, constitute a grave fear, effective in weakening the union. Thus, Pignatelli (Vol. 9, cons. 130, n. 19); Gonzales (Lib. IV Decret., tit. I, de spons. et matr., cap. 15); The Holy Rota before Emerix (Decisions 870, n. 7): "Persuasions and prayers are considered in place of compulsion and coercion, and they instill fear in a man who is steadfast, especially when they come from a father, and other superiors." Furthermore,

[*Latin ed. p. 77*]

PARISIAN. 77 S. Rota coram Royas (Decisions, 491, n. 8): "For the purpose of invalidating a marriage, persuasions and insistent requests accompanied by a feeling of reverence, coming from someone whom one reveres, are considered sufficient, according to Sánchez, Barbosa, etc.; indeed, with

Translated by churchlatin.ai, a product of Boyne Archives

these elements present, threats are not necessary." The same is taught by Schmalzgrueber (Vol. 4, p. 7, title 1, § 315); D'Annibale (Summa Theologica Moralis, p. 3, § 315, and prolegomena, §§ 138, 14, etc.); and ReifFenstuel (Book 1, title 40, n. 95). Furthermore, Conscius (De separatione a coniugio, Book 3, chapter 4, n. 87) states: "A marriage is null, whether the consent is lacking due to threats and violence, or merely due to the suspicion of parental indignation." The reason for this principle is given by S. Rota coram Ludovico (Decisions, 374, n. 7): "A just suspicion of fear is sufficient for fear (Bald. cons. 165, Book 2), because in marriage, the mind must be free not only from compulsion, but also from the fear of compulsion." In this sense, S. Rota coram Gregorio (Decisions, 326, n. 5) declared: "Persistent and continuous persuasions, by which the person was importuned in the name of the father, are sufficient, without threats or beatings." This is confirmed by this Holy Congregation in Lünen, or Sarzanen. — Regarding the nullity of a marriage, June 22, 1833, which firmly maintained: "When a daughter's modest resistance is neither effective nor helpful, the feeling of reverence must be considered a serious fear, which renders the marriage null." And in January — Regarding a dispensation for marriage, April 21, 1844; Casanadien — Regarding marriage, July 30, 1863; and S. Iacobi — Regarding the nullity of a marriage, November 26, 1863: "And the reason is because, when both the authority of the one instilling fear and the timidity of the one experiencing fear are present, they are sufficient to produce the nullity of the marriage." Pirhing (Book IV, title 1, § 4, n. 119); Santi (Book IV, title 1, n. 143); D'Annibale (Eoe I. 22 De ritu nupt. S. Alphonsi, Vol. VI, n. 1036); Gasparri (De Matr., Vol. II, n. 815), etc. This doctrine holds much more weight if the one instilling fear has full authority, and the one experiencing fear is younger in age, of a submissive nature, etc. In the other part of the argument, concerning moral coercion and pro-

[*Latin ed. p. 78*]

78. FROM THE DECREE OF THE COUNCIL, the nullity of the marriage is demonstrated as follows: The advocate argues: 1. That the Marchionissa possessed an absolute character; in contrast, the girl possessed a gentle character and was entirely subject to her grandmother. 2. That the grandmother firmly desired the marriage; the granddaughter abhorred it. 3. That she employed all means *media* to break the girl's will; on the other hand, the girl resisted in every way, and only under duress and oppression did she submit to the detested marriage. The advocate proves that the Marchionissa possessed an absolute character through the testimony of the advocate herself and of seven witnesses, who affirm that she always exercised absolute authority in the family, so that, even during the lifetime of her husband, not only her daughters but also her sons, although emancipated by reason of their age, were entirely subject to her will. This authority was very great, since the Marchionissa possessed a large fortune, with which

Translated by churchlatin.ai, a product of Boyne Archives

she could enrich one or the other at her pleasure; therefore, her will was an absolute law and was observed in the family, so that no one dared to contradict her. On the contrary, the advocate states, Margaret possessed a gentle character and was entirely subject to her grandmother, as can be gathered from the testimonies of the same witnesses. However, it is not believed that someone desires a marriage who obeys the authority of her father or master: therefore, as (L. I, ff. Quarum rerum actio, § Quae onerandae) is declared, a promise made to the master is invalid if it appears that the servant has been subjected to him solely through fear, or through excessive reverence: "If it clearly appears that Ubertus has subjected himself to the master solely through fear, or through excessive reverence." The advocate demonstrates that the Marchionissa firmly desired this marriage by the fact that several people confess that she induced the granddaughter to enter into it through continuous coercion. On the other hand, the advocate continues, Margaret abhorred the proposed marriage, for several witnesses assert that she harbored antipathy towards Robert. And rightly so, the advocate says; for it was certainly not unknown to the girl the nature and the morals of the man, who was addicted to wine and consorted with a certain woman, from whom he had children.

[*Latin ed. p. 79*]

PARISIAN. 79 Furthermore, based on the actress's sworn testimony and the testimony of seven witnesses, the advocate proves that the girl, despite her youth, was forced to consent to the marriage and did so only under duress and oppression. The Marchioness's will was imposed in an inflexible manner, and this will was treated as law concerning a person who was entirely dominated, so that a modest contradiction was of no avail, and resistance could scarcely be considered. Again and again, over three full weeks, either the Marchioness, or her aunt, or her uncle, who had previously supported the marriage, insisted on this other marriage for the girl; but again and again, the girl rejected the imposed union with protests and tears, until, weakened, afflicted with a fever that burned her for so many nights, she lost her spirit, abandoned the futile effort of resistance, and fell into a state of desolation and despair. This is testified to by the actress, and is corroborated by several other witnesses. Indeed, the Sacred Rota (Decrees 405, n. 8, part 18, recent) states: "It is also proven from the woman's side, if witnesses testify about her tears and complaints preceding the marriage." Moreover, the advocate notes that the girl, barely seventeen years old, could not have offered any other resistance, since the entire family, especially her mother, who was herself a maiden and a widow, depended on the Marchioness's will as if it were a law. Nor could she turn to anyone, since the Marchioness oppressed everyone with her authority and terror. And since this state of affairs was stable and permanent, the girl could not reasonably hope that the family, and especially her grand-

Translated by churchlatin.ai, a product of Boyne Archives

mother, would be angry for a long time, or indeed, ever. Furthermore, the Marchioness threatened that if Margaret rejected the offered marriage, she would never have another. This fear, the advocate says, is a very serious, indeed, the most serious. From all of this, it is clear, the advocate concludes, that the girl's consent was extorted by authority, insistent and importunate requests, advice, indeed, by orders and threats, and therefore, the marriage was not entered into freely by her. Having brought the argument to this point, the advocate resolves the difficulty.

[*Latin ed. p. 80*]

80. From the records of the Council, it is possible to extract the following from the words of certain witnesses: "that the girl's resistance lasted for a month... afterwards it ceased...; that Margaret finally submitted...". And it is particularly noted that the very words used, as they sound, do not indicate consent given, but rather the cessation of resistance; for when someone repels force, they are said to yield or cease resisting, which means yielding to force, not consenting. Furthermore, it is presumptuous to assume that a witness intends to testify to what they know to be true. Indeed, what is evident from the fact of the cessation of resistance is that the girl ceased resisting, not that she consented; for whether she ceased because she consented is another question, regarding which the testimony of witnesses is not admissible, unless they present facts that support it. However, the facts presented by the witnesses do not prove anything; for after having narrated that the girl always and consistently denied consent, because she had affection for another man, they add that she finally ceased when the Count of L..., a friend of the girl's father, said not only that she was being forced to consent, but that this was the will of her own father, if he were still alive. Therefore, the lawyer argues, she ceased resisting, she did not consent; for he who consents does not despair, and it is scarcely conceivable that someone would consent to something that they know cannot, in any way, be reconciled with the peace and order of their entire life, and which would lead to their own ruin. Furthermore, the orator says, the state of mind of the girl when she ceased resisting is clearly evident from the facts. Indeed, after having been broken by force and weakened by fever, she ceased resisting and revealed her will, even to the man himself, protesting that she had affection for another in her heart. Moreover, the witnesses who uttered those words explained them according to the meaning previously stated, namely, that they referred to the cessation of external resistance, and not to internal repugnance. Then, the lawyer refers to this annotation by the President of the Tribunal of Paris: "Only one thing must be added, namely, that all the witnesses heard by the Court were of age, and that

Translated by churchlatin.ai, a product of Boyne Archives

many, especially the Marquis of B..., spoke with sincere voices..."

[*Latin ed. p. 81*]

PARIS. "With the profound conviction of conscience, [the arguments] strongly moved the minds of the judges, as is evident from the note appended to the proceedings." Finally, the advocate presents letters sent by the mother, Margaret, to the Court of Paris, from which it is clear that she restored the girl to her senses with all her power. Furthermore, the advocate endeavors to prove, from the preceding, concurrent, and subsequent circumstances, that the marriage was null. The preceding and concurrent circumstances are found in the girl's sorrow and tears, expressed until the very end; in the protestation made by the girl, Robert, concerning his affection for another person; and in his indifferent manner of acting towards the bride. Among the subsequent circumstances, the most important is the fact that the marriage was not consummated until four years later. Other circumstances are found in the entire conduct of the spouses, which was never intimate and cordial, but difficult, and almost impossible, and aimed at avoiding scandal. Therefore, the advocate writes, the outcome that followed was that which, as Alexander III said, usually results from forced marriages, that is, discord, quarrels, the absence of conjugal acts, and separation. Finally, the advocate proceeds to refute the judgment of the Court of Paris, overlooking, however, that which the judgment contains regarding pure reverence; for it is not, he says, a matter of pure reverence, but of reverence combined with insistent prayers, importunate persuasions, authority, command, threats, and unjust conspiracies, which is considered grave by all theologians and canonists, and therefore invalidates the marriage, especially when it concerns a girl of seventeen years of age, timid, etc., on the one hand, and an absolute, authoritative, and imperious person on the other. But the orator cannot pass in silence that which the judgment of the Court of Paris contains regarding the right of relatives in relation to marriage, or rather, regarding the application of the principle in this case.

[*Latin ed. p. 82*]

82. "Furthermore, the Holy General Council also discusses the question of coercion, but only that moral coercion which is legitimately employed by prudent relatives, for the sake of protecting the honor of the family, in the case of a young girl who is inexperienced in life and lacking in a firm will, etc." Indeed, the advocate observes, it must be carefully investigated what this moral coercion is that can legitimately be employed by relatives, and how it can be reconciled with free action. Strictly speaking, since coercion by the very word "coercion" excludes freedom, it should be said that no coercion whatsoever can legitimately be employed in marriages; but if by this "coercion" is meant a coercion improperly so called, which does not exclude freedom, then the advocate asks what is meant by this improper

Translated by churchlatin.ai, a product of Boyne Archives

coercion. If by this coercion is meant that relatives can prevent an inexperienced girl from entering into a marriage that is obviously harmful, or that they can use advice and persuasion, the advocate concedes this; but he does not admit that relatives, after the parents have given their considered advice, can impose a marriage that the contracting party does not wish to enter into, and force and compel her to do so. However, it is clear from what has been said, the advocate continues, that the relatives abused their rights and authority, especially the Marchioness, who did not propose a marriage, but imposed it. Therefore, the advocate concludes, it is clear that the judgment of the Court of Paris is flawed in this case.

Observations of the Defender of the Bond.

On the contrary, the defender of the sacrament argues that it does not follow from the case that the marriage is null. And first of all, he notes that the doctrine which holds that a marriage entered into out of fear is vitiated by the law of nature is indeed more common and truer, but not certain, as the advocate says; indeed, it is entirely false, as someone writes, that the authors dispute whether the impediment of fear is only of natural law or also of ecclesiastical positive law, because all theologians and canonists...

[*Latin ed. p. 83*]

PARIS. Eighty-three [persons] agree that this impediment is of ecclesiastical law, although many doubt whether it also pertains to natural law. And indeed, says the advocate, it is most fitting; for if this impediment is only of ecclesiastical law, in a proceeding concerning the validity of a marriage, those things which the Church has established in this matter must be considered, for example, regarding the existence of the impediment, the proof thereof...; but if it is formally of natural law (although confirmed by positive law), then what nature has immutably decreed must be considered. Furthermore, the defender of the bond concedes that reverential fear is suitable for the valid contracting of marriage; but it is not sufficient that fear actually exists, it is also required that it be clearly proven. And this not only because factual circumstances, especially matrimonial impediments (particularly after the marriage has already begun), must be proven, but also because we are dealing with a delict; for it is clear that fear cannot be inferred without a crime, due to the most grievous injustice, by which the liberty of individuals is so severely violated. However, argues the orator, how difficult it is to prove reverential fear, no one who immediately considers the matter will fail to see, since we are dealing with a matter eminently subjective, concerning which the authority of witnesses is far less valid than in the case of ordinary fear. And indeed, this kind of fear, due to its singular nature, or because it is caused by parents, is in practice such that it must be considered as a hidden impediment. Therefore, a consequence arises; namely, that a marriage already celebrated invalidly, due to reverential fear, can easily be healed by subsequent cohabitation,

Translated by churchlatin.ai, a product of Boyne Archives

and especially by carnal intercourse. For it is known that in this way marriages can be validly celebrated even when there is a hidden impediment, even in places where the Decree of Tametsi of the Council of Trent is in force, and that it is not always necessary to use the operation of the parish priest and witnesses to remedy the defect. Now, in the case of Margaret, she celebrated her marriage with Robert out of reverential fear towards her grandmother, with whom she also cohabited for ten years and had intercourse; indeed, moreover, the court of Paris dismissed the first appeal of the plaintiff for this reason.

[*Latin ed. p. 84*]

84 FROM THE DECREE OF THE HOLY CONCIL: "But if the patron of the actress objects that the supplementary acts supplement the acts completed after the first proceeding of the Court of Paris; the defender of the bond considers these acts to be highly suspect. Certainly, he says, such acts, if properly and lawfully completed, do not contradict the rule of Clement V (Clem. II De testibus), namely: 'As it is not permissible to present other or the same witnesses in the principal cause concerning the same or directly contradictory articles, after witnesses have been duly received and their testimonies publicly proclaimed, so it should not be permissible in the cause of appeal, since in appeals, as in the principal cause, the danger of subornation must be feared.' However, if the acts described in the supplementary documents are legitimate, they nevertheless remain suspect, or such as should be treated with great caution, because they may rather be cunning inventions of persons who have been suborned or falsely deceived. Then, proceeding to the merits of the case, the defender of the sacrament attempts to prove two things: firstly, that there was no fear in this case that could invalidate the marriage; and secondly, that, even if such fear existed, it was not sufficient to invalidate the marriage, and therefore, the marriage, celebrated validly, was subsequently confirmed by the events that followed. And with regard to the first point, the advocate observes that, if this case is applicable to the decree of the Holy Office of June 20, 1883: 'The gravity of fear arises from the nature of the threats, from the quality of those from whom they originate, and from those who are said to have suffered them,' then one must despair of the actress's intention, because the alleged fear would be reduced to nothing. Indeed, the fear originated not from the father, nor from the mother, but from the grandmother, and from the elderly Marchionissa, who, according to the testimonies, was a queen in her own right, and not a tyrant driving her nephew, as if a victim, to the altar of sacrifice. Furthermore, the actress, when she married Robert, was at an age when, although endowed with a gentle nature, she could easily have resisted her grandmother, knowing fully well that she enjoyed

Translated by churchlatin.ai, a product of Boyne Archives

complete freedom, especially in..."

[*Latin ed. p. 85*]

PARISIAN. 85, regarding marriage, had, in fact, sometimes been reluctant, but ultimately yielded to the insistent prayers of her grandmother. Furthermore, in Mineo, this is attributed to the fact that the actress perhaps lacked other marriage prospects, and the increase in her dowry was not insignificant due to her grandmother; but since the niece was younger and the grandmother elderly, many other suitable matches could have been available to her, and moreover, for Margaret, that portion which is called legitimate always looked to the place and position of the deceased father. Therefore, the advocate concludes, the fear of reverence in this case was not of such a nature as to have been able to impede the validity of the marriages, according to the statutes of the Sacred Canons. Then, proceeding to the defense of the Sacrament, he observes that, even if the fear of reverence did invalidate the marriages, they were nevertheless made valid after the fear was removed. Indeed, according to the law of the Decretals (Can. XXI De sponsal. et matr.), and even today, when the chapter of Tametsi of the Council of Trent is not in force, a marriage is not validly contracted by mere notorial cohabitation, and especially not by carnal intercourse; therefore, he who does not accuse his marriage of being null at the opportune time, should not be heard afterwards. Therefore, with regard to the cited case, the Instruction of the Holy Office, June 20, 1883, states: "Regarding the impediment which is said to be caused by force and fear, it must first be noted that he who has lived in marriage for a long time should be rejected (from the accusation), provided that he has not lacked freedom and opportunity to complain; so that if, free from fear, he has voluntarily remained in the conjugal home, and has not neglected the duties of marriage, he should not be heard any further. For he who, free from coercion, does not make use of his maturity, ability, and opportunity to complain, is considered to consent, and to ratify what he had previously done unwillingly and with an adverse mind. Therefore, first of all, it must be inquired whether the accusation was made at the opportune time, as is said; and if this has already occurred, then it must be investigated for what reason this happened, so that it may be judged whether the accusation should be admitted or rejected." Indeed, in the case of the bride who fostered cohabitation with the groom, consummated the marriage with him, and only later declared it to be null.

[*Latin ed. p. 86*]

86 From the decrees of the Holy General Council it is stated; therefore, the presumption arises that the defect has been purged, and that the marriage was perhaps previously not valid by its very act. However, the advocate may object: two things are required for this theory to hold true, namely, that the cause of the fear has already ceased, and that the fear

Translated by churchlatin.ai, a product of Boyne Archives

was hidden; for in Gallus, as long as the decree of the Council of Trent, *Tametsi*, remains in force, a marriage cannot be validated by a defect of consent unless the proper form of the same Council is observed. But the defender of the bond observes that the first difficulty is not at all sustained, because, either the fear arose from the grandmother, or this grandmother is presumed to be dead within ten years, and then, the cause of the fear being removed, it must be concluded that the consent was validly renewed; or, it is presumed that the same grandmother is still alive, and then it must be concluded that the cause of the fear has ceased, because, due to the bad behavior of Robert, concerning the distress of the bride and the disgrace to the family, the grandmother herself assisted Margaret in breaking off the unhappy marriage. Furthermore, the second difficulty is entirely without force, the advocate continues, because the impediment, especially one arising from reverential fear, is easily presumed to be hidden, either because the will of the person affected can be changed from unwilling to willing, or because the influence of the fear on the person affected cannot be removed. Finally, the defender of the Sacrament concludes from certain words of the actress that she either spontaneously celebrated the marriage by yielding to the arguments of the grandmother, or at least freely consented to the marriage after the fact, thereby purging the defect of consent. Given these circumstances, the purpose was to determine whether the judgment of the Parisian court should be confirmed or overturned in this case. The Sacred Congregation, after carefully considering all matters, decided that: The judgment should be overturned.

[*Latin ed. p. 87*]

PARISIAN. 87 Collections 1. Liberty is essentially required in every contract, especially in the matrimonial contract, since it concerns an indissoluble contract. 2. Fear is opposed to liberty, if it be grave, unjust, caused by a free and external reason, and directed to extorting consent. 3. Fear is called ordinary, if it comes from external persons; reverential, if it is instilled by parents or other superiors. 4. Reverential fear can be called pure, if it is conceived solely from reverence towards parents or other superiors; it is called clothed, if it is joined with other circumstances, namely, quarrels, threats, beatings, insulting words, or at least with insistent, prolonged, and importunate persuasions, imperious words, etc. 5. In the external forum, reverential fear, pure, is regularly not presumed to be grave and sufficient to invalidate a marriage; clothed fear, however, is considered grave and therefore effective in weakening the marriage, because it is rightly presumed that a serious feeling of indignation and offense arises in the mind of the one subjected to it from the part of the superior. 6. In the case of the Marchioness de M, it appears to be sufficiently established that she instilled a grave reverential fear in her niece, and that with other grave circumstances of a clothed nature, which are presumed to invalidate marriages. 7. Finally,

Translated by churchlatin.ai, a product of Boyne Archives

it does not seem possible to admit that the marriage was ratified on the part of Margaret, either because it is not at all established that she afterwards purged the defect of consent, or because, even if her hidden acquiescence is admitted, the renewal of the form was always required by the Council of Trent, since the impediment of fear in this case was public.

[*Latin ed. p. 88*]

88. "FROM THE SACRED CONGREGATION'S FILES, in Folio No. V, concerning the election in CINGULI (1), on May 16, 1903. Session 25, chapter 9, concerning appeals. The matter: A vacancy arose in the stall of the Cingoli cathedral church due to the promotion of its titular canon to a benefice, a stall which the sodality of Saint Mary Gonfalon claims as its patronage. Therefore, on June 15, 1902, a meeting was convened for the election of a new canon, called by the Moderator of the confraternity, and 48 confratres attended, presided over by the General Vicar of the Bishop, who possessed the right to two votes. Of the four candidates, the priests Franciscus Matalicani and Guillelmus Malazampa received the most votes, with the former receiving 34 favorable votes, and the latter receiving 31, exceeding fifty votes. Therefore, the priest Matalicani was elected, but he declined. Having received notification of his election, he requested a Bull of institution from the Sacred Apostolic Datary, which was to be granted in this instance. However, the Reverend Malazampa did not consent to the issuance of the Bull, arguing that the election was flawed by four defects: namely, the lack of patronage, the vice of simony, the defect of liberty, and finally, the exclusion of voters. On the other hand, the priest Matalicani, bringing a counter-suit against his adversary, accused the priest Malazampa of being guilty of the vice of simony. Therefore, today, this controversy is presented to this Sacred Tribunal for consideration under the formula of requesting a judgment: Whether the stall in the cathedral church should be conferred upon the priest Matalicani, or rather, upon the priest Malazampa, in this case. (1) Cf. Summary of Causes, Volume XXXV, page 690, in folio, No. 6.

[*Latin ed. p. 89*]

CINGOLI 89. The Advocate Malazampa, a priest, principally argues that the right of patronage of the sodality of Saint Mary of the Gonfalone has ceased to exist. Indeed, the confraternity itself was suppressed by Napoleonic laws. Consequently, since the year 1810, a certain ecclesiastical benefice, of which the Priors of the sodality, along with others, were patrons, has been vacant, and the appointment of a new titular has occurred without the intervention of the Priors; moreover, the sodality has been declared suppressed, and its share of patronage, which was rightfully to be added to that of the other patrons, has been recognized. Furthermore, the Apostolic Administrator of Cingoli, by virtue of his

Translated by churchlatin.ai, a product of Boyne Archives

office and having been requested by this Holy Congregation regarding the prayers of the municipality of Cingoli concerning the construction of a new road, for which reason the church of Saint Mary, formerly granted to the confraternity of the Gonfalone, had to be demolished, expressed his opinion as follows: "For the good of all those to whom the confraternity of the Gonfalone was beneficial, having sold all that the confraternity possessed, nothing has ever been done by anyone up to now to revive the sodality, due to the lack of funds. This church, along with another of Saint Mark, now belongs to the Reverend Apostolic Chamber, which, however, has revealed its intention to me, and is willing to gladly donate churches of this kind to either a pious confraternity or even to private individuals. Since neither of these churches has been requested by any sodality, nor by any private person, it follows that the Reverend Apostolic Chamber is currently the only party with an interest in this matter." However, the fact of the suppression was recognized by ecclesiastical authority, by virtue of the convention between Pius VII and the Italian Republic, initiated in the year 1803, in which it was stipulated that the chapters of metropolitan and cathedral churches should be preserved, and that, if suitable, the property of the canons should be assigned to the common fund. Therefore, in this case, not only was the confraternity of the Gonfalone suppressed in fact, but also in law; and consequently, the provision of the canonical residence was freely made.

[*Latin ed. p. 90*]

90. Thirty years after the suppression, the bishop was petitioned to restore the sodality, granting the confreres the same honors (not rights) that they had enjoyed previously. The bishop promised the confreres, who had declared their intention to give a new name to the sodality, that he would issue a decree of restoration. However, such a decree was never issued; there exist petitions in which restoration was invoked; there are records of proceedings held by the Ordinary and by the orators in order to promote the restoration; the letters of the Ordinary are preserved, in which he orders the preparation of a new list of members: therefore, a decree of restoration from the bishop should also exist, if it had truly been issued. However, even if the bishop had indeed restored the sodality, he could not have granted the right of patronage again by privilege, because these privileges are considered to have been abolished by the Holy Council of Trent (Session 25, chapter 9, concerning reforms), so that the opinion of the Doctors is unanimous: "it is not sufficient for a concession by the bishop to relate to a privilege" (Santi, *Praelectiones Iuris Canonici*, L. 11, t. 33, de *Jure epa tratus*). Nor could the foundation for this concession be that the sodality had possessed the right of patronage in the case before the suppression; for the present confraternity is a new sodality, completely distinct from the old one, so that the law of postliminy cannot in any way

Translated by churchlatin.ai, a product of Boyne Archives

be applied. Finally, neither can the custom or frequency of presentations be invoked, by virtue of which, according to the aforementioned text of Trent, the right of patronage is acquired by prescription. Furthermore, the Reverend Malazampa attempts to prove that the election of the Reverend Matalicane was carried out with simony. Indeed, the decree (chapter 13, concerning Simony) affirms that in spiritual matters, or in matters connected with spiritual matters, in giving or receiving, all pacts must be absent, all agreements must cease. By virtue of this rule, which, according to D'Annibale (III, n. 111-112), today applies only with regard to benefices: "any agreement concerning benefices is simony; and it occurs most frequently in three ways, whenever a benefice is conferred impurely, that is, with something added."

[*Latin ed. p. 91*]

"Agreement or convention, which impose a burden or obligation that is not inherent in the law, or in the founding documents, or which are otherwise condemned by canon law." Indeed, nothing is lacking in the case to constitute a truly simoniacal agreement, because the priest from Matalicane, in a certain little book, which he presented to the confraternity for his election to the rectory, not only promised to fulfill all the duties inherent in the position, but also other duties entirely voluntary, bound by a strict obligation, namely, to celebrate 25 Masses, to recite the Rosary and the Litany every Saturday, and also to serve in the church of Saint Mark even during the week, whenever it is deemed useful or necessary. The confraternity gladly accepted this promise, and converted it into a formal agreement, confirmed in writing, and furthermore, imposed a penalty of half a book for each of the aforementioned obligations that were not fulfilled. This agreement between the Reverend Matalicane and the aforementioned confraternity is all the more to be condemned, because it imposes an obligation that is neither inherent in the law nor in the founding documents. For the law states that "ecclesiastical benefices should be conferred without diminution" (Decree III, chapter 12; Council of Trent, Session 25, chapter 5, on reform), so that neither the bishop nor any other inferior official conferring a benefice to a vacant position and its future successor can impose new obligations; (Chapter 8, on custom; chapter 7, on censuses; Fagnanus ad cap. XI de praeb. n. 3; Santi, L. III, title 12, n. 2); and for a diminution of the benefice, even the determination of the day and hour at which Mass must be celebrated is considered, if such a burden is not established in the founding document; (Sacred Congregation in one Pisaur., April 2, 1647, and May 17, 1633; Florence, April 18, 1683, 1865, and others). Furthermore, several people in Cingulana judged the election of Matalicane to be simoniacal, so that a public scandal arose from it. On the contrary, the priest Matalicane accused the Reverend Malazampa of the crime of simony, saying that the mother of the confrater Aloysius Scalpelli

Translated by churchlatin.ai, a product of Boyne Archives

had promised ten books, if he would give his vote for his son, and that she herself, as a member, had promised the mandatary Valentino Ba-

[*Latin ed. p. 92*]

92. From the General Council of Gliano, invitations were to be sent to each member. However, the mother of the priest Malazampa absolutely denies one and the other, and under oath before the General Vicar and the episcopal chancellor, she testifies that she never promised anything to the confreres regarding the election of the mansionary, nor that she ever joined the sacristan in delivering the invitations for the election. This is corroborated by Malazampa himself, who wished to testify spontaneously before the General Vicar, under oath, that he, nor his mother, had ever promised anything to the confreres. Such testimonies are indeed consistent; for Aloysius Scalpelli and Valentinus Bagliani are the most bitter adversaries of the priest Malazampa, and therefore it is scarcely conceivable that the mother of the Reverend Malazampa would have made agreements with them. Furthermore, men of the highest standing, both lay and clerical, bear witness to the piety, honest morals, and absolute incapacity for deceit of the mother of Malazampa. On the contrary, Aloysius Scalpelli is a man who does not deserve any trust, since he enjoys a bad reputation among his fellow citizens, and, moreover, Malazampa himself attempted to extort money from him; indeed, he is so forgetful that witnesses report that he himself asserted that he had received nothing from the Reverend Malazampa for his vote. Furthermore, the supporter of the election of the Reverend Matalicani suffers from two other vices; for these are the requirements of an election: "And above all, all those who have the right to vote must be called; (Decree, chapter 18, 35 and 42, on elections), so that if one or the other is overlooked, this can be used to invalidate the completed election; (Glossa in chapter 8 on elections in VI; Fagnanus in chapter 41 of the same title; Reiffenstuel in chapter 42 on elections, n. 115). Moreover, an election must be absolutely free, so that if it is otherwise conducted, it is null and void by law (Decree, chapter 14 on elections; chapter 3 of the same title in VI, § Coeterum, ibi). An election ceases when the freedom to choose is taken away; and such freedom is considered to be lacking even in the case of corruption, which occurs through importunate requests, threats, and bribery."

[*Latin ed. p. 93*]

"CINGULA.NA 95: Through operations, gifts, promises, and other means, arts, and illicit methods, sufficient to move, or morally compel, to give a vote to a specific individual." Indeed, not all those who had the right to vote were admitted to cast their vote. Charles [Carolus] of Prancioni and Anthony [Antonius] Chiatti were expelled, because their names are missing from the list of confreres who were absent from the

Translated by churchlatin.ai, a product of Boyne Archives

election on June 15th. Both attended the first meeting on June 8th; but both were excluded. Indeed, Anthony Chiatti returned to the meeting on June 15th, and was excluded again. And these two were not only members of the confraternity, but were among the older confreres. Then, the lawyer added that several people gave their votes who, according to the statutes of the confraternity, were not eligible. It is indeed decreed in the constitutions of the confraternity that "confreres of the confraternity of the Gonfalone cannot be members who are already enrolled in one or more other city confraternities, which are required to participate in public processions." This is confirmed by a letter from Bishop Benvenuti from the year 1834. However, from the documents, it is clear that several of those who were present at the meeting on June 15th did not belong to the confraternity of the Gonfalone, since they were enrolled in either the confraternity of the Suffrage, or of St. John the Baptist, or in both: these two confraternities are required to participate in public processions. On the contrary, the confreres Francioni and Chiatti are not found in the lists of other confraternities, but only in the confraternity of the Gonfalone. It is also noted that Eraclius Sannucci and Torquatus Cavallini, who were the authors of this expulsion, are officials of other confraternities. Finally, the election was not free, because prayers and, indeed, impositions were made upon the voters in favor of the Reverend Matalicani, either before the election or during the act of the election itself. Indeed, Marchio Felici-Puccetti and Orestes Frontaloni testify to this; and Dominic [Dominicus] Francioni, in his deposition, states that Aloysius Scalpelli himself invited him at the moment of the election to vote.

[*Latin ed. p. 94*]

94. From a fragment of the General Council concerning Mataliciana. Furthermore, certain confreres imposed obligations upon those who were in some way subject to them. Indeed, Valentinus Bagliani, sacristan of Saint Mary of the Banner, even opposed the Very Reverend General, who, fearing that the vote would not be free, wished to place the ballot box upon the presidential table. The same sacristan, as testified by witnesses, added words to the confreres, in which he indicated the place where the votes for the nomination of the mansionaries were to be placed, and told them to vote for the priest of Mataliciana. The arguments of Mataliciana. On the other hand, the Reverend patron of Mataliciana primarily maintains that the right of patronage cannot be called into question. For it is clear from the Bull of the Cardinals Bishops of Auxima and Cingulani, which, in the year 1736, granted to the confraternity of Saint Mary of the Banner, by authority obtained from the Holy Congregation of Councils, the right to nominate three mansionaries, in consideration of a certain annual payment. This title is sufficient to acquire the right of patronage; for the Council of Trent recognized two principal titles in acquiring patronage, namely, the

Translated by churchlatin.ai, a product of Boyne Archives

foundation and the endowment. Indeed, it decreed (Session 14, chapter 12, concerning reform): "No one, of any ecclesiastical or secular dignity, can obtain or should obtain the right of patronage, unless he has newly founded and built a church, benefice, or chapel; or, if already erected, has endowed it sufficiently from his own and patrimonial goods." The Doctors, interpreting this canon, unanimously teach that only the endowment is sufficient to obtain patronage; thus writes Gagliardi (On the Law of Patronage, chapter 5, on foundation and endowment, paragraph 19): "Indeed, according to the judgment of the Fathers of Trent, it is sufficient to acquire the right of patronage for a church or chapel already constructed by another, through a mere endowment; and this is clearer than the midday sun from the words mentioned above, number 5: for they say that if a church is already erected, but is without a sufficient endowment..."

[*Latin ed. p. 95*]

In Cingoli, if a dowry of 95 [units of currency] has been given, the benefactor must not only be able to obtain, but must obtain, the patronage. This statement indicates a necessity, whereby the diocese, whether it wills it or not, is compelled by the very act of the endowment to justly grant the patronage to the benefactor, and cannot deny it in any way or hinder it. Furthermore, from the year of the concession in 1736 until the present day, the confraternity has continuously enjoyed the right of patronage, so that if this did not result from the foundation or endowment itself, it certainly arose from a century-old, indeed almost two-century-old, custom. Thus, Pitonius teaches (Disput. eccles. IX, n. 23) that a century-old practice "fulfills the role of a powerful prince who can grant and deny, presuming a better title from the world; it therefore presumes a new privilege, or a new bull... and every other title that is more advantageous and necessary." However, the Napoleonic laws, which have not been confirmed by the Holy See, cannot have the effect of abolishing the confraternity's right of patronage. Moreover, the rule "ecclesiastical benefices are conferred without diminution" is not applicable, because the Reverend Matalicani did not undertake a new burden. Three things are enumerated in the aforementioned document: namely, the obligation to celebrate 25 Masses, to serve the church even within the week as it is deemed useful or necessary, and finally, to recite the Rosary and the Litany of the Saints every Saturday. Regarding the celebration of Masses, it is stated in the bull of erection: "And since the confraternity of Saint Mary of the Banner has a perpetual obligation for the souls of 156 Masses, this obligation must also be fulfilled without any other alms from the aforementioned four mansionaries, this obligation being equally divided among them." Therefore, by virtue of the foundation, each mansionary is obliged to celebrate 39 Masses; and when the benefice of Saint Mary of the Tribulations was added to the mansionaries, the obligation of Masses also increased in them. However, subsequently, by an

Translated by churchlatin.ai, a product of Boyne Archives

Apostolic rescript, the number of Masses...

[*Latin ed. p. 96*]

96. From the decrees of the Councils, the number was reduced and limited to 25 for each mansionary. However, in recent years, at the discretion of the mansionaries, a further reduction in the number of Masses was instituted, but this reduction, although requested by the confraternity, remained almost hidden. Therefore, the Reverend Matalicani, following the common opinion, did not intend to promise to celebrate Masses beyond his strength, but promised to celebrate 25 Masses, because he considered that such an obligation existed. Regarding the burden of serving the church on behalf of the confraternity during functions, the mansionary is obligated, among other things, in the Bull of erection, to perform the office of chaplain in the aforementioned church: "He must also exercise the office of chaplain of the aforementioned confraternity of Saint Mary of the Banner." Therefore, even in this regard, the Reverend Matalicani did nothing in his petition other than to declare that this was a clearly recognized burden of the mansionaries. Finally, with regard to the recitation of the Rosary, although this particular burden is not mentioned in the Bull of erection, for many years, the mansionaries have willingly practiced this devotion. On the occasion of the translation of an image of the Blessed Virgin of Mercy from the public road to the church of the confraternity, the mansionaries of that time, heeding the desire of the faithful, used to recite the Rosary and Litany of Lores before the aforementioned image of the Blessed Virgin every Saturday. And although this practice was sometimes interrupted, it was restored by the same mansionaries and still continues to this day. Having stated these things, the aforementioned petition presents no difficulty, because the Reverend Matalicani obligates himself in two ways to fulfill all the burdens of the mansionary: first, in general, and then in particular. Furthermore, in order to completely dispel any doubts, it should be carefully noted that in the aforementioned meeting on June 15, 1902, two distinct votes were taken. In the first, the election of the mansionary was held, without any special mention of burdens, so that the Reverend Matalicani was named.

[*Latin ed. p. 97*]

In Cingoli, on the 9th of [month], the absolute vote for the mansionary took place; for the confreres did not consider themselves obligated by those duties which the Reverend Matalicani mentioned in his petition, since the list contained only the names of the candidates, and not those of suppliants, in accordance with the regulations of the election. Only after this absolute vote, at the request of a confrere proposing a fine, was another vote held. Regarding this second vote, it should be noted that either the fine of 50 centesimi refers only to those duties imposed in the erection of the benefice,

Translated by churchlatin.ai, a product of Boyne Archives

and in this sense the confraternity has acted lawfully; or it intends to extend the same fine to other, greater duties, and in that case, the said vote must be declared null and void, or it is only valid with respect to those duties which are legitimate. Furthermore, in this second vote, the confraternity has only fulfilled its proper duty; for the erection Bulla states: "But if anyone of the aforementioned mansionaries should be negligent in fulfilling the aforementioned duty of the chaplain of both societies, he shall incur, in each case, a penalty of two gold coins, to be applied for the benefit of the same society." Regarding this matter, a similar fine was already established for negligent mansionaries in the mansionary nomination of 1858. As for the accusation of simony, it should be noted that the accusation may be based on the fact that Matalicani has undertaken new duties. But these new duties do not exist, since, moreover, in matters concerning the benefice, simony is clearly recognized as the temporal advantage (whether it be by hand, by favor, or by words) that the holder of the benefice obtains in the election. On this matter, Cardinal De-Luca teaches (De canonicis, disc. 29, n. 6): "Simony is incurred when the advantage accrues to the benefit of the individual electors; otherwise, when it concerns some good of the Church in general." But no temporal advantage is held by the electing confreres, since the promises of Father Matalicani are entirely of a spiritual nature. Therefore, the confreres, almost unanimously, testify under oath that they have given their vote freely and spontaneously, and no one...

[*Latin ed. p. 98*]

98. The General Council has not used its authority, nor industry, nor agreements to restrict them to giving their vote to one rather than the other. Finally, the objection regarding the exclusion of two brothers is of no consequence. Since several confreres had died, or their names were ambiguous, in order to safeguard the validity of the acts of the confraternity in the future, a new catalogue of confreres was drawn up and approved at the aforementioned meeting on June 8, 1902, so that from that day forward, the body of the confraternity should be considered to be formed only of those members listed in that catalogue, and no others. Indeed, neither Charles Francioni nor Anthony Chiatti are found to be listed in this new catalogue; therefore, they could not have any right to participate in the subsequent meeting for the election of the bursar, nor to cast a vote; for they could no longer be considered members of the confraternity. Nor is it valid that one attended the meeting of June 3, 1888, and the other attended the meeting of July 17 of the same year, and therefore they were not unjustly included in the new register; for the rector of the confraternity testifies that from the year 1850 to the year 1902, their election to the confraternity could not be found. Therefore, although it is true that such names are found in the aforementioned meetings, it is doubtful that they were recorded due to error. Furthermore, even granting, for the sake of argument, that the afore-

Translated by churchlatin.ai, a product of Boyne Archives

mentioned two confreres were unjustly excluded from the meeting, the election of the priest of Matalicane was always valid: "Although someone may have been unjustly prevented from giving his vote, therefore the acts of the chapter do not suffer from a defect of nullity; for it is undoubtedly the law that when someone has suffered exclusion from the chapter, or, as it is commonly said, has been treated with contempt, the act of the chapter is not null, but valid" (De Herdt, *Praxis capitularis*, chapter XXXII, § 20, no. 2). Nor does the opinion of the learned Louvre, cited by De Herdt in the same place, contradict Fagnanus, who states that "contempts must be counted among the number of those who make up the chapter, not only in the act of election, but in all the acts of the college."

[*Latin ed. p. 99*]

CINGULANA 99, "to be explained"; for in our case, even including those two confreres, the election of Father Matalicani would always be maintained, since even in this hypothesis, the majority of votes would be verified in his favor. Regarding the procedure of the mandate, which, when circulating with the urn to receive the individual votes, it should be noted that this method of conducting the vote in the Confraternity of the Gonfalon already originates from the most ancient practice and is still in full observance for all matters, and has never been interrupted. Therefore, because of the actual ignorance of this custom, the General Vicar, for the first time acting as president in such deliberations, believed that the urn should be kept above the lectern, so that the confreres, one after another, should approach it to deposit their vote; the General Vicar, knowing well the custom that prevailed in this matter, readily agreed and decided that it could proceed according to the usual manner. This is testified under oath by 41 confreres, who also assert that the sacristan exerted no influence on anyone, but only, at the request of others, indicated a different urn for the election. Furthermore, the General Vicar of the diocese was seated as president in the assembly, so that everything would be done properly, and yet, in fact, he found nothing to observe; indeed, while the assembly was in session, he declared that everything had proceeded regularly, so that he did not hesitate to proclaim Father Matalicani as elected. Finally, the assembly, as is related in the books, is considered to be completely legitimate, because no one testified against it at the appropriate time. Now, let the Most Reverend and Illustrious Fathers consider the following question: Should the mansion be granted to Father Matalicani, or rather to Father Malazampa in this case? The Most Reverend Fathers, after deliberation, responded: The mansion should be granted to Father Matalicani.

[*Latin ed. p. 100*]

100 FROM THE SACRED CONCILIUM IN FOLIO, Number VII, VARSAVIAE, OR LUBLIN. OF SEPARATION FROM BED AND BOARD

Translated by churchlatin.ai, a product of Boyne Archives

(1). May 16, 1903. The facts occurred in Varsaviae, on November 26, 1892, when Halina P. . . . and Ioannes B. . . . entered into a religious marriage, from which they subsequently had a son. However, conjugal peace did not last long, but was so disturbed that the wife, in 1895, went to the Curia of Varsaviae, seeking a permanent separation from her husband and board. The woman attributed the causes of the discord to her husband, who, she claimed, insulted and threatened her, because she received, not dowry funds from her father, but an annual loan of 400 rubles, which, since the birth of the son, was increased by another 100 rubles annually. The Curia of Varsaviae, having previously unsuccessfully attempted to reconcile the spouses, then, on May 30, 1896, in the definitive judgment in the case, granted a temporary separation for five years only, due to the harsh treatment of the wife by her husband. Both parties appealed to the Curia of Lublinen, which, on October 28, 1896, confirmed the appealed judgment. However, Halina, convinced that it was not right, even after the lapse of five years, to restore conjugal life, and with her spirit increasingly alienated from her husband, again petitioned the Curia of Varsaviae, which, with this definitive judgment of December 15, 1900, decreed that, since the temporary separation had not led the husband to repentance, a separation *ad infinitum* was granted. (1) See Summary of Causes, vol. XXXV, page 689, n. VII, in folio.

[*Latin ed. p. 101*]

WARSAW, OR LUBLIN. 101 "If he has not restrained his violent nature, if he has ill-treated his father, if he has not respected the authority of his mother, and finally, if he has denied sustenance to his wife. But the husband instituted an appeal before the Tribunal of Lublin, which, on June 20, 1901, annulled and overturned the sentence of Warsaw. Therefore, Halina, in order that the sentence of the Tribunal of Lublin be overturned, presented her appeal to this Holy Congregation, to be considered by the Most Reverend Fathers under the formula of petition: Whether the archiepiscopal sentence of the Tribunal of Warsaw, of December 15, 1900, or rather, that episcopal sentence of the Tribunal of Lublin, of June 20, 1901, in the case at hand, should be confirmed. The defense of the woman Halina, through her advocate, recalls, above all, what is the opinion of the Doctors regarding the granting of perpetual separation. Reiffenstuel (lib. 4, tit. 19, de Divori, n. 17) proposes the question: "How can a divorce be granted because of the cruelty of the husband?" He answers: "A divorce can be granted because of the husband's cruelty, if it is so great that the wife cannot live with him without danger to her life, or serious bodily harm. Unanimous and certain, according to the clear laws, chapter 8, and chapter 13, de Restii. Spoliât. The reason is, because natural and divine law grants to everyone the right to resist unjust force, from which there is a danger to life or serious bodily harm, argumentum legis, Ut vim, 3 ff.

Translated by churchlatin.ai, a product of Boyne Archives

de Inst. et iure." Indeed, according to the same Doctor, even the fear of atrocious treatment is sufficient to grant a separation. Certainly, n. 41, in the same place, says: "Because of the probable fear and danger of serious beating, or cruel or atrocious treatment in the future, even without danger to life, a divorce can validly and tacitly be granted concerning the marriage and cohabitation; Sánchez (lib. 10, disp. 18, n: 16); Engel (h. I. n. 23); Layman (in this title, n. 10, and Novella 22, cap. 15). The reason is, both because serious or atrocious beating or cruel treatment cause a constant fear in the husband, and because spouses..."

[*Latin ed. p. 102*]

102 From the Council of Trent, it is not considered that they have obligated themselves to cohabitation. Finally (n. 12), it adds that there is also a sufficient cause for divorce "if, from the husband's character, passion, anger, excessive rage, or other circumstances, a serious danger of grave injury or cruel or atrocious treatment appears." Cosci (De separationibus, book 2, chapter 7, n. 9), discussing the causes of separation, says: "The expulsion of the wife from the marital bed, done by an angry husband, so that she may not sleep with him, is not only considered cruelty, but also dementia" (Farinacci, quaest. 143, n. 152), and generally, the expulsion of the wife herself without cause." Furthermore, in our case, the husband not only expelled the wife from the marital bed, but from the very house, without any reasonable cause. The same author (book and chapter cited, n. 48) adds that, in assessing the severity of the cruelties, one must always consider the condition of the person who suffers them. Therefore, milder cruelties become "more serious when inflicted upon a woman of the most honorable and highest birth," (Reiffenstuel, Ius Can. book 4, title 19, n. 44, Rot. cor. Coccin, decis. 2011, n. 29, etc.). Moreover, the actress was of piety and of impeccable morals, as evidenced by the testimony of the parish priest and the Archbishop; therefore, she is worthy of all trust and should be given more credence than the husband. Furthermore, she recounts that, shortly after the marriage, the husband began to treat her badly; and he showed her great distrust, concealing almost everything from her, for example, he ordered that the lock on her wardrobe be changed, so that the woman could neither look for nor see anything inside. Because the husband had hoped to receive the richest dowry from the wife, and because his hope was frustrated, since the parents were only paying an annual loan, he began to treat her fiercely and insolently, humiliating her before everyone, almost in every way; and he depressed her with insults and complaints, which, for the slightest reasons, turned into open and most insolent quarrels. "He allowed his mother to offend her," the actress continues, "and he did not interpose a word in her defense, while he saw his mother treating his wife

Translated by churchlatin.ai, a product of Boyne Archives

completely unjustly."

[*Latin ed. p. 103*]

WARSAW. OR LUBLIN. 105 acts. In the final moments of their shared life, matters had reached an extreme point, so that the husband's cruelty, harshness, lack of civility, and rage oppressed her with all their force; indeed, on December 21, 1895, the husband initiated a completely unexpected quarrel, and he attempted to strike his wife, causing her to shed many tears. Then the husband began to threaten her with his fists, and he asserted that he would infect her with the most cruel moral poison, and that he was prepared to drive her out of his house, and would use all the necessary means to do so. On another day, he spoke similarly about his intention to drive his wife out of his house; and before relatives, for example, before G, he did not deny this at all. Furthermore, the aforementioned man was possessed by avarice, and therefore he deprived her of all the most necessary things. Indeed, the husband was a degenerate son, because he harshly and inappropriately mistreated his own father, who was advanced in years: therefore, the plaintiff asks, how could I trust the character of a man who commits the crime of irreverence and contempt towards his own father, so that the father himself calls his son "degenerate"? Finally, the plaintiff adds that the husband's mother leads a most indecent life, and is immersed in the crime of adultery, and she does not conceal this at all, so that, because of her scandalous manner of acting with her lover, she was summoned to the Praetorium. The testimonies of the woman are corroborated by other witnesses. Thus, the mother laments about the miserable condition of her daughter, and, among other things, she writes to her son-in-law: "You solemnly promised good, indeed the best, treatment of your wife: how much this causes us pain, it is almost impossible to express in words...; our daughter loves you very much, ardently. It is almost impossible to believe that, after some time, a complete rupture could occur between you, a separation that would be almost equivalent to death for Halina." Then the lawyer recalls that, if the husband had truly desired reconciliation with his wife, he should have accurately provided her with the support, as established in the initial judgment. But here, he who was always intent on restoring conjugal relations in order to seize his wife's assets, not only denied her support, but...

[*Latin ed. p. 104*]

104. EX S. C. CONCILII etiam non erubuit factis ostendere, se soceri obitum vehementer optare, ut dein plena facultas ipsi foret de uxoris bonis disponendi. Sane actrix coram iudice, praeter alia, conqueritur quod ille « non obstantibus iuris canonici et civilis praescriptis, declarata legitima separatione, nulla mihi solvit alimenta ». Narrat etiam quod vir « adibat nostros famulos eosque interrogabat de cursu morbi : certissime hoc non

Translated by churchlatin.ai, a product of Boyne Archives

faciebat sollicitudine et amore ductus, sed intentione meam haereditatem cum foenoribus post mortem patris sumendi ». Queritur etiam actrix, viri matrem immoralem vitam agere, ac illum sub huius influxu vivere. Unde conqueritur advocatus quod Lublinen. Curia sententiam Varsaviensis Curiae infirmavit, quin rationabiles causas adduceret. Porro ad quatuor reducuntur reprehensionis causae, a Curia Lublinen allatae; asseritur nempe quod actrix, in temporali separatione vivens, nec tempus nec occasionem habuit cognoscendi an vir, sufficienter emendatus, ad pacificam cohabitationem capax evaserat; quae a testibus, in hac nova actione auditis, narrantur nihil ponderis instantiae actricis addunt; quod denegatio alimentorum nequit marito culpae verti, quia uxor interventu iudicis civilis eadem non exposcebat; quod dura tractatio patris per filium, item facta degenerationis moralis matris parum ad rem pertinere censenda sunt. At haec argumenta, iuxta patrocinatorem, tum ab actrice tum ab Archiepiscopo refutantur. Ait enim Halina in supplici libello ad S. Sedem dato: « Verum equidem est me nunc separatam ad quinquennium a mutua cum marito habitatione et penes parentes meos degentem, nil ab eodem saevitiarum passam esse: at facta dirae tractationis, irreverentiae et contumeliarum mariti mei erga proprium patrem, iuratis depositionibus testium probata, nonne demonstrant aperte, ut in quarto motivo iudicium archiepiscopale non modo cessare impetuosum ingenium eius, verum etiam invaluisse? Quid sperare possum, tot opprobriis et conviciis tempore triennalis cohabitationis a marito affecta, qui pro-

[*Latin ed. p. 105*]

WARSAW. OR LUBLIN. 105. To the Prior, concerning his son: Was he not a most wicked and degenerate son? The denial, or rather, the withholding of sustenance for my support and that of our son, which is also forbidden by civil law in a carefully considered separation, is it not proof that the husband pursues me with no affection whatsoever? And therefore, what blame can be imputed to me, if I do not obtain, through the aid of the civil courts, what is justly due, as the Archdiocesan judgment rightly notes: that the husband ought, above all, to have cared for [his wife], if he truly intended to restore conjugal life? Then Halina indicated that a separation for an indefinite period is absolutely necessary, both in order to consider the Christian education of our only son, and in order to prevent the husband from acquiring all his possessions, and leaving [his wife] without any means. And she adds: "In this most grievous situation, the only consolation, the only goal of mine, is the religious, virtuous, and honest education of our son. Indeed, I cannot even contemplate the thought that, if an indefinite separation is denied to me, our underage son will be raised in such a sordid moral environment, in which the husband lives with his mother." The Archbishop, in his letter, further noted: "The reasons which led Halina to bring this new suit, and which my judgment has recognized

Translated by churchlatin.ai, a product of Boyne Archives

as just, are: the lack of love and honesty towards his wife on the part of the defendant, who neither sought forgiveness for the insults and reproaches with which he made his wife's life together with him most miserable for three years, nor did he, himself, or through friends and acquaintances, seek to have these things forgiven, nor did he seriously strive to restore the marital bond. Indeed, in the defense presented, when the suit was brought for the second time, he declared that he was prepared to agree to a separation that would last for several years by mutual consent, not because of his own fault; but he said this not in order to make his wife more amenable to him, but because, according to civil laws, a separation for a determined period, even if very long, preserves all rights to the husband, both with regard to the administration of the wife's own property, and with regard to the education of the children. The latter, Halina cannot in any way accept, since her underage son would then be raised in such a sordid...

[*Latin ed. p. 106*]

106. Concerning the moral pestilence of the Sacred Council, in which the husband lives with his mother, it should be ensured that, even with the aid of secular authority, if the husband requests it, she is brought into his house, and that she may do nothing without his consent, depriving her of all means of pursuing the vindictive course of action that she has dared to initiate. I believe it is still necessary to add one thing, in my judgment. If separation can contribute anything to the correction of the situation, it can only achieve this if the separation is for an indefinite period; for by freeing the innocent party from the authority of the guilty spouse, the latter is, in a certain way, compelled to reconsider, and to correct and improve his behavior; thus, the innocent party herself may request the termination of the separation and the restoration of common life, as befits Christian spouses. On the contrary, a separation for a definite period worsens the condition of the innocent woman; for, besides the fact that she lives separately from her husband and often with difficulty receives her alimony, she remains subject to his authority, and she cannot, by herself, address anything that concerns her person, her property, or the education of her children, so that she cannot obtain letters of permission, even in cases of urgent necessity, such as for regaining her health in a certain sanatorium or spa, without the husband's consent, as is easily understood from the articles of the civil law cited in the aforementioned document, which are binding in this province. Furthermore, what often happens is that the husband hides himself during the period of the decreed separation; and when the separation is over, and the wife returns to his house, she suffers double the annoyances and harsh treatment, as a result of the vindictive actions he has undertaken; he proceeds with caution, so that no witnesses to his unjust actions are present. With these things said, I commend the speaker to the most clement benevolence."

Translated by churchlatin.ai, a product of Boyne Archives

Observations: It is indeed lamentable to see the condition of the woman painted in such dark colors in the aforementioned letter by the Archbishop; nevertheless, due consideration must also be given to the condition of the man, and to...

[*Latin ed. p. 107*]

WARSAW. OR LUBLIN. 107. It must be considered whether he is truly the author of such great evils, or whether the fault lies rather with the circumstances, and whether not a considerable part of the blame should be attributed to the woman, who either exaggerated her husband's faults or did not sufficiently remember the duties of a wife in conjugal partnership. In any case, everyone has their own part to play. The Warsaw Tribunal, at the woman's request, issued a second judgment, but I doubt that the second judgment, now brought into dispute, has any legal force. Indeed, in the first instance, Halina requested that the ecclesiastical tribunal grant her a permanent separation from her husband; and the judge, by a judgment of May 30, 1896, decreed a separation for five years due to the husband's fault, with the force of this final judgment in the first instance, using these very words: "Considering that from the sworn testimonies of witnesses presented by the plaintiff, there is ample evidence of the harsh treatment of the plaintiff by the defendant, who not only uttered insulting words, but even against her parents, which made cohabitation unpleasant for the plaintiff, given her social standing; considering that, summoned to court through a refutation, he did not weaken the accusations made against him by the plaintiff; indeed, the witnesses presented by him did not confirm the actions attributed to him; considering that the crimes proven in court are not so serious as to warrant a decree of indefinite separation, but are sufficient to pronounce a temporary separation; therefore, in accordance with par. 2, art. 62 of the Marriage Code of 1836, the Archdiocesan Tribunal of Warsaw decrees the separation of the spouses John and Halina from table, bed, and cohabitation for five years, due to the fault of the husband summoned to court, with the force of this final judgment in the first instance." The Lublin Tribunal upheld this judgment. But the woman, not content with the temporary separation, again petitioned the Warsaw Tribunal for a permanent separation, a request which the Warsaw Tribunal favorably received, and ratified the same judgment on December 15, 1900, decreeing a sepa-

[*Latin ed. p. 108*]

108. From the reasoning of the Most Holy Council, a dispensation is granted for an indefinite time, due to the fault of the husband who was lawfully called to court, by virtue of this definitive sentence initially pronounced. And his words are: "Considering that the judgments of both the Archbishopric of Warsaw and the Apostolic Delegation of Lublin, in their

Translated by churchlatin.ai, a product of Boyne Archives

sentences of May 30th and October 28th, 1896, decreed the separation of the spouses, Halina and John, under the title of the husband's harsh treatment of his wife, for a period of five years, with the aim that this temporary separation might compel the unwilling party to repent, to curb the violence of his nature, and to convince the wife of his amendment, and that thus the same husband would grant forgiveness for all previous injuries, and that he would live with her peacefully, as divine law commands, in charity; Whereas it has been demonstrated in the previous proceedings concerning the separation of the spouses that the mother, who was lawfully called to court, provided a cause for the marital discord; the obligation rested upon the husband, if he seriously intended to be reconciled with his wife after the expiration of the term of separation, to reject the authority and influence of the mother. Meanwhile, from the testimony of witnesses, not only those cited by the plaintiff, but also that of the one who was lawfully called to court, it becomes clear that the husband followed the will and inclinations of the mother in all things, and the witnesses, under oath, state that he often incited his son against his wife and declared that, as long as he lived, he would never allow his son to be reconciled with his wife; This denial of support to the wife, which the one who was lawfully called to court confessed, proves that he cares nothing for his wife, and that if he were truly striving to restore conjugal life, this concern for his wife would be expressed above all else; These things have been demonstrated and proven by the testimonies of witnesses, from the life, actions, and relationships of the one who was lawfully called to court towards his father, which, as faults imputable to him, are sufficient for the plaintiff to form the conviction that the husband's impetuous nature has not ceased, but has even increased, so that there is absolutely no possibility of conjugal reconciliation."

[*Latin ed. p. 109*]

WARSAW. OR LUBLIN. $10. That the facts demonstrated by the testimonies of the aforementioned witnesses are such as to excite just hatred towards the plaintiff and her relatives; That, according to Canon Law and its commentators, invincible hatred, if founded on certain facts, suffices to pronounce a separation (Cosci, De separ. lib. 2, cap. 10, nn. 17-20, 54, 61, and 64; cap. 11, nn. 1, 30, et seq.; also n. 100); That, in the exposition of this case today, the plaintiff's attorney declared, on behalf of his client, that he consents to a separation for a certain number of years, decided by mutual consent of the spouses, but not for an indefinite period; That this gives the court the presumption that the party brought before the court is concerned only with his material advantage, namely, that he does not wish to lose the right to his wife's property, which necessarily follows in the case of a separation for an indefinite period; That, given these circumstances, the reasons cited by the plaintiff in her petition for a separation for an indefinite period must be considered both legally and morally justified. Therefore,

Translated by churchlatin.ai, a product of Boyne Archives

the Archdiocesan Court of Warsaw decrees, by virtue of this final judgment pronounced in the first instance, the separation of John and Halina from the marriage bed, table, and mutual cohabitation, for an indefinite period, due to the fault of the husband brought before the court. However, in the face of these two final judgments pronounced on the same instance, a substantial defect is evident, since it is not permissible to pronounce judgment more than once on the same instance of a trial; once a judgment has been issued, the judge has fulfilled his duty, whether he has done so well or poorly. Bouix (de iud. 11, page 236) states: "A judge cannot revoke or correct a final judgment that he has rendered." This general rule is certainly true and is accepted by all. Indeed, Schmalzgrueber (tit. de sent. et de re iud. n. 87) answers the question "What effect does a judgment have with respect to the judge?" with: "It causes the judge to be considered to have fulfilled his office, so that he cannot revoke or correct the judgment he has rendered."

[*Latin ed. p. 110*]

110 FROM the decree of the Council, it cannot be decreed unless it is either a preliminary decree or is altogether null. Thus, Pirhing, op. cit., n. 85. However, from the very tenor of the sentence, it is clearly evident how the Court has fallen into error. The sentence warns that the Court of Varsavia and Lublin decreed "the separation of the spouses... for a period of five years, solely for the purpose of forcing the offending party to repent." Indeed, if this was the judge's intention, namely, to apply a temporary remedy and adjustment; the sentence should not have been declared definitive, but rather only preliminary or provisional, so that the judge's power to define the merits of the case would not be extinguished. The second, definitive sentence not only contradicts the first in terms of judicial form, but also in substance. For in the first decree, it was stated: "the arguments of the plaintiff are not so grave as to warrant a decree of definitive separation." But in the second instance, no new substantial evidence was presented. This substantial defect in the second sentence was noted when, after the woman's appeal was accepted by the Court of Varsavia, she appealed to the Court of Lublin; but the Court of Varsavia did not admit the appeal, replying on April 2, 1900: "The judgment of the Archbishop of Varsavia, regarding the appeal interposed by the defendant, does not admit of appeal." However, the Court of Varsavia, which readily accepted the plaintiff's appeal, also seems to have readily given credence to all the testimonies presented by her, scarcely taking into account the arguments of the husband. Furthermore, the testimonies accepted in the second investigation, and the judicial sentence itself, and the letters issued by the Archbishop, strongly emphasize and reiterate that the husband is almost unworthy to be heard in court, since he afflicted his elderly father, who was also gravely ill, with cruelty and contempt. Can a man who despises, condemns, and attacks his elderly, infirm father be loving, concerned for his wife and children?

Translated by churchlatin.ai, a product of Boyne Archives

Truly, no more serious accusation can be made; nevertheless, the man was repelled.

[*Latin ed. p. 111*]

VARSAVIA. VEL LUBLIN. Die 11 mensis Iunii, anno 1900, pater testamentum dedit, quod tam gravem infamiam produxit. Accusationes autem, quae uxor contra virum editae sunt, sive in libello supplicatorio, sive in responsionibus ad vindicem, vir conatur refutare in scriptis responsionibus, quas iudici dat. Dubium est, utrum animus coniugalis pacis et concordiae ab ipsa uxor magis turbetur quam ab viro. Sed hoc, ut videtur, definiri potest ex testamento Adami, testis ab actrice propositi, qui refert: "Ex mea parte, faciebam paternas admonitiones, quibus motus vir accessit ad uxorem, osculavit eius manum et petebat ut illi pareat omnia, et quicquid contra illam habet." Uxor respondit: "Se plus aequo a marito esse offensam, humiliatam et afflictam; praeterea, aiebat se omnino nullam fidem eius promissis de emendatione in posterum facienda dare: quapropter non suscipere eius petitionem veniae." Sed osculum ad manum a viro dato uxori coram pacis arbitro, et humilis petitio veniae, suntne tam levia argumenta in viro, animi emendati et devoti adversus uxorem, ut sperni debeant et nihili, saltem ad experimentum, fieri debeant? Eo magis, quod si Halina valde queritur de viro, cuius improbitatem dicit se expertam esse post separationem, cum iste nihil reddiderit sibi et filio ratione alimentorum, attamen respondet vir, uxorem neque iudicialiter neque extraiudicialiter haec expetisse, imo, inchoatam petitionem sponte sua deseruisse. Unde non immerito vir arbitrari potuit, alimenta uxorem nolle repetere; quia si alimenta petiisset pro filio, vir reconvenisset uxorem ut sibi filium traderet ad praescriptum legis. Codex civilis polonus, ad art. 217, iubet: "Tutela filiorum durante causa separationis a mensa et toro ad maritum spectat, nulla consideratione habita illius, qui prius causam promovit." Atqui, si vir esset improbi ingenii, non solum alimenta non exhibuisset, sed uxorem saevissime vexasset, expetens in iudicio tutelam filii.

[*Latin ed. p. 112*]

112 From the deliberations of the Most Holy Council, with prudence and wisdom, the Fathers deemed it fitting to deliberate concerning the response to be given to the question: Whether the judgment of the Archiepiscopal Curia of Warsaw, dated December 15, 1900, or rather, that of the Episcopal Curia of Lublin, dated June 20, 1901, should be confirmed in this case? The Sacred Congregation of the Council, having summoned all those called to the truth, decided to respond: The judgment of the Curia of Warsaw is to be confirmed.

SUMMARY OF CAUSES:

Translated by churchlatin.ai, a product of Boyne Archives

On September 5, 1903, the Sacred Congregation of the Council was held in the Apostolic Palace at the Vatican, in which, among other things, the following questions were proposed, according to the custom of the same Sacred Congregation, to be discussed according to law; and which were resolved as follows:

THROUGH BRIEF SUMMARIES:

I. S. SEVERINUS - INDULGENCES.

R. Considering the particular circumstances presented, a dispensation is granted for residence for a period of three years, if so long, with the loss of distributions, but with the firm obligation of performing the scriptural readings.

II. LIMBURGEN - APPLICATION OF MISSES.

1. Provision will be made.

2. Considering all the circumstances, a reduction of the burden for the aforementioned masses each month is granted, and this reduction shall be noted in the table.

[*Latin ed. p. 113*]

SUMMARY OF CAUSES, Folio I. PARIS. – NULLITY OF MARRIAGE. Q. Whether the decision in the case should be upheld or overruled. A. In the decision. II. POSEN. – NULLITY OF MARRIAGE. Q. Whether the sentence of the Archdiocesan Court of Posen should be confirmed or overruled in the case. A. Deferred, and the proceedings shall be completed according to the instructions to be given by the Defender of the Marriage, after examination of the plaintiff's father. III. VESZPRÉM. A. IV. – MARRIAGE DISPENSATION, (under seal). Affirmative. PARIS. – NULLITY OF MARRIAGE, (under seal). A. The sentence is to be upheld. V. IACIEN. – ANNULMENT. Q. Whether and how an annulment is permissible in the case. A. Affirmative, with due regard for the jurisdiction of the Archpriest of the place of Giarre, which must be recognized with some sign of obedience. DECREE OF SUSPENSION, (under seal). The priest Lambert has incurred an irregularity and is suspended. VI. APAMIA. A. VII. PARMA. – CARE OF SOULS. Q. Whether the decree of the Bishop of Parma of October 30, 1899, is to be upheld in the case. A. Deferred and to be re-proposed with the vote of the Consultor. VIII. MATRITEN. A. – MARRIAGE DISPENSATION, (under seal - extraordinary). Affirmative. Records, Volume XXXVI, page CDXXII,

Translated by churchlatin.ai, a product of Boyne Archives

8.

[*Latin ed. p. 114*]

114 DECREE FROM THE SACRED CONGREGATION OF THE HOLY OFFICE AND THE UNIVERSAL INQUISITION. It is not permitted to transport the Sacred Oils through public postal services. Most Holy Father, the Bishop . . . . in Brazil, humbly prostrates himself before Your Holiness and explains that in his own diocese, many parish priests, due to immense distances, the lack of a railway, and the resulting great difficulties and expenses of travel, are sometimes forced to omit or at least greatly delay the annual renewal of the Sacred Oils. Therefore, he humbly requests the faculty to transmit said Oils through the public postal service (posta), taking the utmost care and avoiding all manner of profanation. Thursday, January 2, 1903. In the general congregation of the Holy Roman and Universal Inquisition, held before the Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, concerning the aforementioned question, and after the vote of the Most Reverend Consultors, the same Eminent and Reverend Fathers ordered that the following be answered: As to the decree in Leacenworthien, on Thursday, May 1, 1901, the aforementioned decree in Leacenworthien reads as follows: "I. Is it permissible to transmit the Sacred Oils to priests through 'The Express,' or some other commercial company, which is mostly composed of non-Catholics and of various ethnicities, that handles the export of various goods? II. Is it permissible to send the same Sacred Oils to priests through laymen, in order to provide for the convenience of the priests themselves?" The aforementioned Holy Congregation responded as follows: To I. It is not permitted. To II. If there is a lack of clergy, then yes, provided that the fidelity of the laymen who are appointed for this purpose is established. On the following Friday, May 15 of the same month and year, the Most Holy Pope Leo XIII, through the powers granted to him, the Eminence, Cardinal Secretary of this Supreme Congregation, deigned to approve the resolution of the Eminent and Reverend Fathers. I. Canon Mancini, Notary of the Holy Roman and Universal Inquisition.

[*Latin ed. p. 115*]

FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION, DECREE 115. The faculty of delegating a priest to administer the Sacrament of Confirmation is granted. Most Blessed Father, the Bishop of the Most Holy Conception of Chile, prostrate at Your feet, explains that in his diocese, which numbers ten times ten thousand souls, he himself cannot administer the Sacrament of Confirmation to all the faithful; therefore, Your Holiness is petitioned to grant him the faculty of delegating a suitable priest, who, within the limits of his diocese,

Translated by churchlatin.ai, a product of Boyne Archives

may confer this Sacrament. Thursday, March 4, 1903. In the general congregation of the Sacred Roman and Universal Inquisition, held before the Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, concerning the aforementioned question, and after the vote of the Most Reverend Consultors, the same Eminent and Reverend Fathers were commanded to give a response: According to the decree of May 9, 1888, which reads as follows: Application should be made to the Most Holy Congregation for the faculty of delegating one or another priest, a faculty to be granted by the Sacred Congregation for Extraordinary Ecclesiastical Affairs, not only to Bishops requesting it, but also to others who may find themselves in similar circumstances, during the exercise of their office. On the following Friday, the 5th day of the same month and year, the Most Holy Lord Pope Leo XIII, through the faculties granted to the Reverend Cardinal, Secretary of this Supreme Congregation, deigned to approve the resolution of the Eminent and Reverend Fathers. 1. Canon Mancini, S.R. and U., 1. Notary. QUESTION. Whether a priestly ordination is valid in which one-fifth of water was infused into the chalice with wine. Most Blessed Father, on the occasion of a certain Sacred Ordination, it was discovered that, in the chalice which had been used for the Ordination of Priests, the ministers had poured in with the wine only water, to the extent that...

[*Latin ed. p. 116*]

116 FROM THE SUPREME SACRED ROMAN CONGREGATION OF THE INQUISITION, this exceeds a fifth part. With these matters established, the following is inquired: I. Whether the aforementioned ordinance can be considered valid? II. To the extent that it is not valid, what should be done? Thursday, March 11, 1903. In a General Congregation before the Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, having considered the aforementioned questions, and after the vote of the Most Reverend Consultors, the same Eminent and Reverend Fathers were commanded to respond: Let it be approved. On the following Friday, March 12 of the same month and year, the Most Holy Pope Leo XIII, through powers granted to the Eminent Cardinal, Secretary of this Supreme Congregation, deigned to approve the resolution of the Eminent and Reverend Fathers. I. CANON MANCINI, Servant of God, and Notary of the Sacred Congregation. RULES concerning the admission of girls to marriage, whose age is unknown. Thursday, March 18, 1903. The following questions were proposed to this Supreme Congregation of the Holy Office: I. When the age of a young woman who desires to enter into marriage is unknown, may and should the parish priest or missionary trust in the external signs of her, especially with regard to the conformation of the chest, etc.? II. In the case where the aforementioned signs of puberty are lacking, and the age is unknown, can and should the marriage already entered into be considered invalid, or at the very least, doubtful? In a General Congregation

Translated by churchlatin.ai, a product of Boyne Archives

before the Eminent and Reverend Cardinals, General Inquisitors in matters of faith and morals, having considered the aforementioned questions, and after the vote of the Most Reverend Consultors, the same Eminent and Reverend Fathers were commanded to respond: Regarding I. Affirmative, and in the following sense: It is the opinion of the Missionaries that girls, in cases such as this, should not be admitted to marriage.

[*Latin ed. p. 117*]

FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION 117, unless it is demonstrated by the Ordinary or Apostolic Vicar, through prudent judgment, that such marriages are invalid, and therefore that malice does not suffice to validate them in such cases. Regarding II. As proposed, negatively; therefore, if a case of marriage of this kind should occur to the Missionaries, it should not be declared valid in any way, unless first a process has been completed by the Apostolic Vicar, and it is certainly established by irrefutable proofs that the girl in question was, before the twelfth year of her age, joined to another by a permanent bond, and that, at the time when the marriage was celebrated, she did not truly reach the age of majority. Or, if the marriage is about which we speak was celebrated before the girl received the name of the Christian religion, no validity should be pronounced, unless the Missionaries are first made certain, by the aforementioned proofs, that the girl, when she contracted such a marriage, was not capable of deceit. And let the Decree of December 10, 1885, which is reported in the Collectanea of the Holy Congregation for the Propagation of the Faith under number 1383 (i), be given. On the following Friday, the 19th of the same month and year, the Most Holy Pope Leo XIII, through the faculties granted to the Most Eminent Cardinal of this Supreme Congregation, Secretary, deigned to approve the resolution of the Most Eminent and Reverend Fathers. I. CANON MANCINI, S. R. and U. 1. Notary. (1) The tenor of the cited decree: "1. When spouses, left in infidelity, do not wish to embrace the faith in a marriage not yet consummated, can their marriages, contracted in their minority, be considered as mere betrothals for the future for the spouse converted to the faith? 2. When the contracting parties are adult neophytes, is a double or no interpellatio required to dissolve such a marriage, whether they wish to be baptized? R. To 1. Provided that there was no impediment of natural or divine law, and especially that the contracting parties have given true consent, it is not a betrothal but a true marriage. To 2. As far as such marriages are proven to be invalid due to some impediment of natural or divine law, and especially due to lack of true consent, there is no place for an interpellatio. Otherwise, an interpellatio must be made as to whether they wish to be baptized; and if negatively, whether they at least wish to cohabit without offending the Creator. In particular cases, if a serious difficulty arises, recourse should be

Translated by churchlatin.ai, a product of Boyne Archives

had to the Holy See."

[*Latin ed. p. 118*]

118 FROM THE SUPREME SACRED ROMAN AND UNIVERSAL INQUISITION: A DOUBT concerning the legitimization of offspring in articulo mortis (at the point of death). Thursday, July 8, 1903. The following doubt was presented to this Supreme Congregation of the Holy Office for clarification: Whether, through letters dated February 20, 1888 (1), by which the Ordinary of each place is granted the faculty of dispensing those who are gravely endangered by death concerning impediments to marriage that are firmly established by ecclesiastical law, with the conditions and exceptions expressed therein, and through subsequent letters dated March 1, 1889 (2), by which it is declared that this faculty can be delegated to parish priests, it is also understood that the faculty is granted to declare and announce legitimate offspring, perhaps born of concubines, as legitimate, by virtue of said faculty for dispensing, as is customary for the Holy See to grant dispensations for marriages in particular cases; or whether, on the contrary, for the legitimization of offspring already conceived, it is necessary to obtain a new grace from the Holy See afterwards. In the General Congregation of the Sacred Roman and Universal Inquisition, held before the Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, concerning the aforementioned doubt, and after the vote of the Most Reverend Consultors was heard, the same Eminent and Reverend Fathers were ordered to respond: Affirmative, regarding the first part, except for adulterine offspring and offspring proceeding from persons bound by Holy Orders or solemn religious profession, so let it be said. Regarding the second part, provision is made in the first. On the following Friday, July 9 of the same month and year, His Holiness Pope Leo XIII, through the faculties granted to the Eminent Cardinal, Secretary of this Supreme Congregation, deigned to approve the resolution of the Eminent and Reverend Fathers. I. CAN. MANCINI, Notary of the Sacred Roman and Universal Inquisition. (1) Cf. Vol. X, page 545. (2) Cf. Vol. XXI, page 696.

[*Latin ed. p. 119*]

119 FROM THE HOLY CONGREGATION OF RITES IN IESI, a decree concerning the confirmation of the services rendered to the Servant of God, John Baptist of Fabriano, a priest of the Order of the Friars Minor, now called blessed. The Servant of God, John Baptist of Fabriano, was born around the year 1469 in Fabriano, of a noble family named Righi, and took the surname of his birthplace, becoming a priest of the Order of the Friars Minor. He delighted in responding to the care and piety of his parents, in learning the mysteries and precepts of the Christian Faith and the Law, in offering prayers at home and in the temple, and in assisting the poor with

Translated by churchlatin.ai, a product of Boyne Archives

words and deeds. Called to the state of perfection, and captivated by the life, deeds, and love of Saint Francis of Assisi, he entered the Order of the Friars Minor; in which, after a certain period of trial, he also pronounced his solemn vows. He spent the first years of his religious life in the convent of Forano, near the town of Appignano in the March of Ancona, and the others in Massatì, within the boundaries of the diocese of Iesi, which is now called Cupramontana, in a place commonly called "La Romita," where he found a grove and a cave suitable for contemplating heavenly things and for remembering Christ who suffered for us. It is said that he shone remarkably in his eagerness to obey, in his patience in enduring hardships, in his humility in despising himself, in his poverty and austerity in food and clothing, combined with the integrity and innocence of his life. John delighted most in reading the books of the Holy Fathers, from which he gathered the fruits of doctrine and piety, also to the benefit of his neighbors. All who consulted this holy man reported with joy salutary warnings and advice. Having spent his life more in labors and penances than in years, this Servant of God peacefully died on March 11, 1539. The acts of the process testify that the sound of a bell was immediately heard in the air, without anyone ringing it, and that his companions and others who hurried to John's cell found him lifeless, and were astonished to see his body white and shining. This was carried out with the customary funeral rites and taken to the sacred temple of Saint James, and placed in the tomb of the Friars.

[*Latin ed. p. 120*]

120. From the ancient rite of the Order of Friars Minor, a deposit remained. With the passage of time, the tomb was opened and, after examination, in order to transfer the very body to a more worthy place, and because it was found to be not only sound and incorrupt, but also emitting a pleasing odor, it was placed in the same church, beneath the altar of the Most Holy Cross, where an image of John was placed, and an inscription was written: "The blessing of the Lord upon the head of the just." Meanwhile, the fame of the sanctity of the Servant of God, both in life and after death, grew more and more each day, and was, as it is asserted, confirmed by signs and miracles, and the public ecclesiastical cult offered to this Servant of God provided the reason for an Ordinary Process to be instituted in the ecclesiastical court of Iesi, concerning this cult or this case excepted from the decrees of Urban [VIII], and for the judgment of the Ordinary Judge to be presented to the Congregation of Sacred Rites. Many testimonies and arguments were gathered there to demonstrate that the cult towards John the Baptist of Fabriano, adorned with titles, images, votive tablets, and other honors which are fitting only for the Blessed and the Saints, should be confirmed, according to the decrees of the Supreme Pontiffs Urban VIII and Alexander VII. Therefore, at the urgent request of the Most

Translated by churchlatin.ai, a product of Boyne Archives

Reverend Father Dionysius Schuler, Minister General of the Order of Friars Minor, through the Reverend Father Cyrus of Pisa, General Postulator, and with the attentive letters of the Most Reverend Archbishops and Bishops of Camerino and of the dioceses of Iesi and Fabriano, together with the most devoted prayers of the clergy of the diocese of Iesi, and especially of the parish priest and syndic of the town of Cupramontana, formerly Massatia, and of the Most Reverend and Right Reverend Cardinal Dominic Ferrata, Promoter of this Cause, in a meeting of the Ordinary Congregation of Sacred Rites, convened on the designated day at the Vatican, the following question for discussion was proposed: Whether the judgment of the Judge delegated by the Most Reverend Bishop of Iesi, concerning the public ecclesiastical cult offered to the aforementioned Servant of God, or concerning the case excepted from the decrees of His Holiness Urban VIII, should be confirmed in this case and for the purpose in question. Furthermore, the Most Reverend and Right Reverend Fathers presiding over the Sacred Rites, after the report of the Most Reverend Cardinal Promoter, having heard the voice and the written statement of the Reverend Father Alexander Verde, Promoter of the Holy Office, and having carefully considered all matters, decided to respond: Considering the particular circumstances, Affirmative, that is, the judgment should be confirmed, if it pleases the Most Holy [Pope]; on September 1, 1903. Afterwards, these matters were brought to the attention of Our Most Holy Lord Pope Pius [X].

[*Latin ed. p. 121*]

FROM THE SACRED CANONS 121: By the following report from the Secretary of the Sacred Congregation of Rites, His Holiness approved and ratified the Decree of the same Sacred Congregation, on the 7th day of the same month and year. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. DECREE concerning the confirmation of the cult rendered from time immemorial to the Servant of God, John of Vercelli, the sixth Master General of the Order of Preachers, now called Blessed. For those more distinguished men to whom the ancient city of Vercelli and the family of Saint Dominic rightly boast, John of Vercelli, the sixth Master General of the Order of the Friars Preachers, is to be declared Blessed. This John, it is said, was born from the family of Garbella, in the town called Moxum, near Saint Mary, in the diocese formerly of Vercelli, now Biella, in the first half of the 13th century. Still a young man, showing signs of excellent character and outstanding intelligence, he was sent to Paris to devote himself to studies, especially sacred studies. Soon, he became an excellent teacher, and in that famous University he held a chair in Roman and Canon Law, with a large audience. However, due to some very serious disagreements, John left Paris, and continued his school of law in the city of Vercelli, with the same success. Nevertheless, he did not hesitate to follow God, who called him to higher things. For it was at that very time

Translated by churchlatin.ai, a product of Boyne Archives

that Blessed Jordan, the successor of Saint Dominic in the government of the Friars Preachers, came to Vercelli, and, having drawn several of John's disciples into the Order with a certain eloquence and sanctity, he also made the master a priest, who, prostrate at his feet, exclaimed, "I am yours, O God!" and could say nothing else. To this, Blessed Jordan replied: "Since you are of God, I entrust you to His hands," and immediately clothed him in the sacred habit of the Preachers, and since there was no community of his Order in Vercelli yet, he went to Bologna.

[*Latin ed. p. 122*]

122 From the Sacred Council of Trent, it was decreed that, near the tomb of Saint Dominic, information concerning the customs of the Regular Canons should be obtained. John, moreover, having once set his hand to the plow, considered it unlawful to look back, but he always strove tirelessly to reach the heights of perfection that lay before him. Therefore, it is not surprising that he, who surpassed all others in the study, wisdom, and virtue of the regular discipline, was soon chosen to lead others, first as Prior in the Convent of Vercelli, to which he and Brother Philip of Charisio were assigned in 1233, and then in other larger convents in Lombardy, until in 1256 he was elected Provincial Prior of the entire Province of Lombardy at the Provincial Chapter of Novara. Already, greater cares weighed upon him, but the man, born for great things, admirably fulfilled the very serious duties that fell to the Provincial Prior, as he visited all the convents subject to him, seeking only the progress of the brothers. He was also always present at the General Chapters, which were held in the meantime, among the most illustrious men who were flourishing at that time, namely Blessed Albert the Great, Saint Thomas Aquinas, and Blessed Peter of Tarantasia, diligently striving to perfect the work founded by Saint Dominic. At the same time, he was already being employed by the Supreme Pontiffs, whose fame had not escaped them, to deal with more important affairs of the Church, and he responded with increasing fidelity to their trust, especially when preparations were being made for a new expedition against the enemies of the Christian name, led by Saint Louis, King of the Franks. In the meantime, in 1264, a General Chapter was held in Lutetia, Paris, at which John was elected General Master of the entire Order of Preachers by the votes of the electors. The things that he accomplished with this great office, for the benefit of the Church and his brothers, are truly unique and worthy of the highest praise. John visited the convents scattered throughout Europe, not just of one province, but of the entire Order, with his staff in hand, accompanied by only a few companions. Moreover, he presided over the General Chapters each year with remarkable zeal, wisdom, and constancy. He was also frequently consulted by the Supreme Pontiffs, especially by Clement IV, to whom he remained faithful, even when almost everyone else abandoned him, by

Translated by churchlatin.ai, a product of Boyne Archives

Blessed Gregory X, who called him, along with other illustrious men, to the Council of Lyons, and by John XXI, Nicholas III, and Martin IV, and he performed the most noble legations with Apostolic authority, mediating peace between Princes and Kings and the great Republics of Italy, namely Venice.

[*Latin ed. p. 123*]

From the Sacred Canons, 125: Thus, he pacified the minds of those in Genoa, Pisa, and elsewhere. Furthermore, he vehemently refused the office of Oblate conferred upon him by Nicholas III, Patriarch of Jerusalem, indeed, he even relinquished the General Magistracy on that occasion, but, upon the request of the entire Order and with the intervention of the Supreme Pontiff himself, he accepted it again and retained it until the end of his life. To faithfully fulfill this office in the manner of the past, he traversed various regions of Europe once more, finally passing from Hungary through Germany into France, so that in June of the year 1283, he might preside over the General Chapter at Montpellier. In an encyclical letter, which he addressed to all members of the Order after the celebrated Chapter, one marvels at the man who, being close to heaven, bade farewell to the world. He commends to his religious family, which he had governed for twenty years, the pursuit of heavenly things and the means of attaining them. He encourages all to find solace and refreshment in the practice of charity towards God and their neighbor, which he himself so greatly exemplified to his brethren. And what the man of God had foreseen in his heart, indeed, shortly afterwards came to pass; for on November 30th of the same year, 1283, he peacefully departed to the higher realms in the monastery of Montpellier. The funeral rites were performed with great devotion, confirming the high opinion of his sanctity, which he had attained not only among the members of the Order, but also among all mankind. Therefore, he was buried in the church of the monastery, to the right of the main altar, in a tomb worthy of so great a man, whom, alas! the raging heretics of the 16th century, along with the church, completely destroyed. Nevertheless, the memory of the blessed man did not vanish from the minds of men. Indeed, the public and ecclesiastical veneration that arose immediately after his death has grown steadily with the passing of years and continues to this day. The present Reverend Archbishop of Vercelli, Father Lawrence Charles Pampino, of the Order of Preachers, has, no less for the honor of his own Order than for the adornment and glory of his Church of Vercelli, taken steps to institute an Ordinary Procession concerning the Case excepted from the Urbanian Decrees, or concerning the perpetual Cult of the same Servant of God, and has sent his opinion to Rome. Now, when all things were ready, and when arguments were available, considered valid for proving the aforementioned Cult, arguments drawn from written, sculpted, and painted monuments, as

Translated by churchlatin.ai, a product of Boyne Archives

well as from the testimonies of many witnesses, and when, at the urging of the Reverend Father Andrea Frühwirth, Master General of the Order of Preachers, through the General Postulator, Reverend Father Maur M. Kaiser, and with the attention of the relevant documents,

[*Latin ed. p. 124*]

From the deliberations of the Sacred Rites of the Roman Antistites of both ecclesiastical provinces of Taurinensis and Vercellensis, with the Most Reverend Cardinal Archbishop of Taurinensis and the Most Reverend Archbishop of Vercellensis present, along with the Very Reverend Ministers General of the Order of the Friars Minor and the aforementioned Master General with his brethren of the Piedmontese provinces and of both Lombardy, of the Order of Preachers, and the Most Reverend and Most Illustrious Lord Cardinal Raphael Pierotti, Proponent or Relator of the Cause, in the assemblies of the Congregation of Sacred Rites held on the undersigned date at the Vatican, the following question for discussion was proposed: "Whether the judgment rendered by the Most Reverend Archbishop of Vercelli concerning the devotion practiced from time immemorial towards the aforementioned Servant of God, or, except in a particular case, by the decrees of the Holy Father Urban VIII, should be confirmed in the case and for the purpose in question." And the Most Reverend and Most Illustrious Fathers entrusted with the preservation of the Sacred Rites, after hearing the report of the Most Reverend Cardinal Proponent, and also the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, and after carefully considering all matters, decided to respond: "Affirmatively, that is, the judgment should be confirmed, if it pleases the Most Holy." On September 1, 1903. Having related all of the above to the Most Holy Lord, our Pope Pius X, through the undersigned Secretary of the Sacred Congregation, His Holiness approved and ratified the Rescript of the aforementioned Congregation, on the 7th day of the same month and year.

S. CARD. CRETONI, Prefect.

L. R. S. f

DIOMEDES PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 125*]

125. FROM THE HOLY CONGREGATION OF INDULGENCES: Indulgences which the Most Holy Lord Pope Pius X grants to the Christian faithful who retain one of the crowns, rosaries, crosses, crucifixes, small statues, or medals blessed by the same Holy See, and who perform the pious works prescribed. In order that one may gain the Indulgences granted by the Supreme Pontiff Pius X to all Christian faithful of both sexes who retain one of the crowns, rosaries, crosses, crucifixes, small statues, and medals

Translated by churchlatin.ai, a product of Boyne Archives

blessed by the same Holy See, it is required: 1. That the faithful carry with them in person one of the aforementioned objects. 2. If this is not possible, it is required that they retain it in their own room, or in another suitable place in their dwelling, and recite the prescribed prayers devoutly before it. 3. Images reproduced by printing or painting, as well as crosses, crucifixes, small statues, and medals made of tin, lead, or other fragile or perishable material, are excluded from the Apostolic blessing. 4. The images must represent Saints who have either already been canonized in the customary manner, or who have been duly described in approved martyrologies. The Indulgences, which can be obtained through the concession of the Supreme Pontiff from anyone who retains one of the aforementioned objects, and the pious works which must be performed to obtain them, are listed below. Whoever at least once a week recites the Rosary of the Blessed Virgin, or any other Rosary of the Blessed Virgin, or one-third of the Rosary, or the Divine Office, or the Little Office of the same Blessed Virgin, or the Office for the Faithful Departed, or seven penitential Psalms or Graduals, or who is accustomed to impart Christian instruction, or to visit prisoners, or the sick in hospitals with mercy, or to assist the poor, or to attend Mass, and to celebrate it if he is a Priest: whoever does these things, truly contrite and having confessed his sins, will approach the Holy Communion on any of the following days, namely, the Nativity of the Lord, the Epiphany, the Resurrection, the Ascension, Pentecost, as well as on the feast days of the Most Holy Trinity and the Body of the Lord.

[*Latin ed. p. 126*]

126 From the decree *Indulgentiarum*, concerning the feasts of the Purification, Annunciation, Assumption, Nativity, and Conception of the Blessed Virgin Mary, the Nativity of Saint John the Baptist, Saint Joseph, Spouse of the same Blessed Virgin Mary, the Holy Apostles Peter and Paul, Andrew, James, John, Thomas, Philip, James, Bartholomew, Matthew, Simon, and Jude, Matthias, and All Saints; and on the same day, devoutly prayed to God for the extirpation of heresies and schisms, for the increase of the Catholic faith, for peace and concord among Christian princes, and for other needs of the Holy Church; he shall gain a plenary indulgence on each of those days. Whoever, at least with a contrite heart, performs all of these things on other feasts of the Lord and of the Blessed Virgin Mary on any of those days, shall acquire an indulgence of seven years and as many quarantines. On any Sunday or other feast day of the year, he shall gain an indulgence of five years and as many quarantines. But if he performs these things on any other day of the year, he shall acquire an indulgence of one hundred days. Furthermore, whoever is accustomed to recite at least once a week a part of the rosary, or the Little Office of the Blessed Virgin Mary, or the Office for the Souls of the Faithful Departed, or Vespers, or the Nocturn, at least with the Lauds, or seven penitential

Translated by churchlatin.ai, a product of Boyne Archives

Psalms with the Litany and attached prayers, shall gain an indulgence of one hundred days each time he performs these things. Whoever, being in the article of death, has commendably recommended his soul to God, and, according to the instructions of the blessed and revered Benedict XIV in the Constitution, which begins with the words *Pia, Mater*, dated April 5, 1747, is prepared to await death with a willing spirit, truly repentant, having confessed and having received Holy Communion, or, if he cannot do so, at least contrite, and invokes with his heart the Most Holy Name of Jesus, shall obtain a plenary indulgence. Whoever precedes any prayer with preparation for Mass or Holy Communion, or with the recitation of the Divine Office, or the Little Office of the Blessed Virgin Mary, shall gain an indulgence of fifty days for each time he does so. Whoever visits those detained in prisons or the sick in hospitals, and has assisted them, or in the Church has given Christian instruction, or at home has taught his children, relatives, and servants, shall gain an indulgence of two hundred days for each time he does so.

[*Latin ed. p. 127*]

Whoever, at the sound of the church bell, in the morning, at midday, or in the evening, devoutly recites the customary prayers, namely the Angelus, or, not knowing them, recites the Our Father and the Hail Mary, or likewise, at the first hour of the night, having heard the bell rung for the suffrage of the dead, recites the Psalm "De profundis," or, not knowing it, recites the Our Father and the Hail Mary, shall gain a hundred days' Indulgence. He shall likewise gain the same Indulgence who, on Saturday, devoutly considers the Passion and Death of our Lord Jesus Christ, and recites the Our Father and the Hail Mary three times. He who examines his conscience, and who sincerely repents of his sins with the purpose of amending them, and devoutly recites the Our Father and the Hail Mary three times in honor of the Most Holy Trinity, or, in memory of the Five Wounds of our Lord Jesus Christ, recites the Our Father and the Hail Mary five times, shall gain a hundred days' Indulgence. Whoever devoutly prays for the faithful who are in the midst of life, or at least recites the Our Father and the Hail Mary for them, shall gain a fifty days' Indulgence. All the Indulgences mentioned above can be obtained by each Christian, either for themselves or applied for the relief of souls in Purgatory. The Supreme Pontiff expressly declared that, with the granting of the aforementioned Indulgences, the Indulgences already granted by his Predecessors for some of the pious works mentioned above are in no way revoked: and he willed that all these Indulgences should remain fully in force. Furthermore, the same Supreme Pontiff commands that the Indulgences granted to the faithful, who retain any of the aforementioned objects, shall not pass to the person for whom they were blessed, nor to those to whom they were first distributed, according to the decree of His Holiness Alexander VII, issued on February 6, 1657; and if

Translated by churchlatin.ai, a product of Boyne Archives

one or the other of these objects is lost or destroyed, another cannot be substituted for it at will, notwithstanding any privileges and concessions to the contrary: nor can they be lent or given to others for the purpose of communicating the Indulgence, otherwise the same Indulgence will be lost; also, the aforementioned blessed objects, as long as they retain the pontifical blessing, cannot be sold, according to the decree.

[*Latin ed. p. 128*]

128 "FROM the Sacred Congregation of Indulgences, published on June 5, 1721. Furthermore, the same Supreme Pontiff confirms the decree of His Holiness Benedict XIV, issued on August 19, 1752, in which it is expressly declared that, through the blessing of crucifixes, medals, etc., as mentioned above, the altars where such objects are placed do not enjoy the privilege, nor do the Masses which the priest celebrates while carrying them with him. Moreover, it is forbidden that anyone attending the dying should impart the blessing with a plenary indulgence at the point of death, using such crucifixes, without a special faculty obtained in writing, since sufficient provision has been made for this by the same Pope Benedict XIV in the aforementioned Constitution, *Pia Mater*. Finally, His Holiness desires and commands that the present list of indulgences may be printed for the greater benefit of the faithful, not only in the Latin language or italica, but in any other language, provided that, for each list that is published anywhere and in any language, the approval of the Sacred Congregation of Indulgences is present. Notwithstanding any decree, constitution, or provision to the contrary, even if they are worthy of special mention. Given at Rome, from the Secretariat of the Sacred Congregation for Indulgences and Sacred Relics, on August 28, 1903. A. CARD. TRIPEPI, Prefect. * S. For the Most Reverend Archbishop of Amiden, France. Secretary, Joseph M. Canon Coselli, Substitute."

[*Latin ed. p. 129*]

129 ENCYCLICAL LETTER from Our Most Holy Lord, Pope Pius X, by divine providence, to the Patriarchs, Primates, Archbishops, Bishops, and other Ordinary rulers of places, who maintain peace and communion with the Apostolic See.

TO THE VENERABLE PATRIARCHS, PRIMATES, BROTHERS, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARY RULERS OF PLACES, WHO MAINTAIN PEACE AND COMMUNION WITH THE APOSTOLIC SEE, PIUS PP. X.

Venerable Brothers, greetings and the Apostolic blessing.

From the supreme chair of the apostolate, to which, by the inscrutable counsel of God, We have been raised, it is fitting, above all, to speak to you. It is not necessary to recount how We, having endeavored with tears and with great prayers to repel from Ourselves this formidable burden of the

Translated by churchlatin.ai, a product of Boyne Archives

pontificate, which We deemed unworthy of Us.

Indeed, We seem to be able to turn to Our own account what the most holy Anselm lamented, when, being drawn and repelled, he was compelled to accept the honor of the episcopate. For the signs of that sorrow which he presented for himself, We also can present, so that We may show with what spirit, with what will, We undertake the pastoral care of Christ's flock.

[*Latin ed. p. 130*]

130 ENCYCLICAL LETTER: We have undertaken the most important duty. They testify, so that (1), my tears and voices and the lamentations of my heart, such as I never remember having come from me, until that day, on which that grave fate of the Archbishopric of Canterbury fell upon me. Those who, on that day, beheld my face, could not fail to notice... I was paler than one who is dead, and I was overcome by astonishment and sorrow. To this election, or rather, this imposition upon me, I have, as far as I could, resisted, preserving the truth. But now, whether I will or not, I am compelled to confess that daily the judgments of God more and more resist my efforts, so that I see in no way that I can escape them. Therefore, now, more than by men, I am overcome by God, against whom it is not prudent to strive, and I understand that I must use this counsel alone, so that, after I have prayed as much as I could, and I have endeavored that, if it were possible, this chalice might pass from me, that I might not drink it... postponing my own feelings and will, I have wholly committed myself to the feelings and will of God. And certainly, there were not lacking many, and great, reasons for resisting. For, besides the fact that we did not deserve, by reason of our unworthiness, that honor of the pontificate; who would not be moved to see himself designated as successor to one who, having wisely governed the Church for nearly twenty-six years, possessed such zeal of intellect, such splendor of all virtues, that he even led his adversaries to admiration, and consecrated the memory of his name with most illustrious deeds? — Then, let us pass over the rest, because what most of all terrified us was the condition of the human race at the present time, which is afflicted most grievously. For who is unaware of the association of men being now, more than in past ages, and most intimately, afflicted by a disease; which, increasing day by day and utterly consuming it, drags it to ruin? Understand, Venerable Brothers, what disease this is; it is a defect and a separation from God: with which, indeed, nothing is more closely joined than ruin, according to the words of the Prophet: For behold they that go far from thee shall perish: thou hast destroyed all them that are disloyal to thee (2). Therefore, we saw that such a great evil was to be encountered for the sake of the pontifical office that was demanded of us: for we considered that the command of God pertained to us: Behold, I have made thee this day a prince and a governor among the nations, and among the kingdoms, to root out, and to destroy, and to build up, and to plant (3); but conscious

Translated by churchlatin.ai, a product of Boyne Archives

(1) Epp. 1. m, ep. i. (2) Ps. 72:27. (3) Jeremiah 1:10.

[*Latin ed. p. 131*]

ENCYCLICAL LETTER 131. We feared to undertake the task, which seemed to involve both great difficulty and no small delay, given our own infirmities. However, since the divine will has willed that our humility should be advanced to this degree of power; we raise our spirit in Him who comforts us, and, strengthened by the power of God, we apply our hand to the work, declaring that our sole purpose in this pontificate is to restore all things in Christ (1), so that all things may be in Christ, and through Him (2).

There will, indeed, be those who, measuring things according to human standards, strive to discern what our intentions are, and who seek to reduce these matters to earthly uses and the study of their parts. To dispel such vain hopes, we affirm with all sincerity that we desire to be nothing, nothing, with the help of God, among the association of men, except ministers of God, whose authority we use. The reasons of God are our reasons; and it is decreed that all our strength and even our very life should be devoted to these. Therefore, if anyone seeks from us a declaration that will reveal the intention of our mind, we will always give this one answer: To restore all things in Christ. In undertaking and pursuing this great work, we are greatly encouraged by you, Venerable Brothers, because we are certain that you will all be zealous helpers in accomplishing this task. For if we were to doubt, we would not, rightly, consider you ignorant, nor would we deem negligent that wicked war, which is now, almost everywhere, stirred up and directed against God. For indeed, the nations and peoples have raged against their Author, and have meditated on vanity (3); so that, in general, the voice of those who oppose God is this: Who have said to God: Depart from us, we desire not the knowledge of thy ways (4). Hence, in almost everyone, the reverence for the eternal God has been completely extinguished, and there is no observance in life, publicly or privately, of the reason for His supreme majesty; rather, all efforts are made with every artifice, so that even the memory of God and the very notion of Him may completely disappear. Surely, he who considers these things must fear that this perversion of souls may be the prelude to the great events that are to be expected in the supreme time, and that the son of perdition, of whom the Apostle speaks (5), may already be present in these lands. Such audacity, such fury of impiety!

(1) Ephes. i, 10.

(2) Coloss. i, 1.

(3) Ps. ii, 1.

(4) Job xxi, 14.

Translated by churchlatin.ai, a product of Boyne Archives

(5) II Thess. ii, 5.

[*Latin ed. p. 132*]

132 ENCYCLICAL LETTER: Everywhere, piety is attacked; the documents of the revealed faith are assailed, and it is fiercely contended that those duties which pertain to man in relation to God should be abolished and utterly destroyed! On the contrary, that which, according to the same Apostle, is the very mark of the Antichrist, namely, man himself, with the utmost audacity, invades the place of God, exalting himself above all that is called God; so that, although he cannot utterly extinguish the knowledge of God within himself, nevertheless, having rejected the majesty of God, he has dedicated this visible world to himself as a temple, to be worshipped by others. He sits in the temple of God, showing himself to be as God (1). Concerning this struggle against God, how it is waged, there is no sane man who doubts. Indeed, it is given to man, abusing his freedom, to violate the right and the power of the Creator of all things; nevertheless, victory always remains with God; and even then, when man, hoping for triumph, rises up more boldly, a greater ruin looms. This, God Himself warns us in the sacred Scriptures. He indeed conceals the sins of men (2), forgetting His own power and majesty; but soon, after seeming to withdraw, He will rouse Himself, as it were, intoxicated with wine (3), and He will break the heads of His enemies (4); that all may know that God is the King of all the earth (5), and that the nations may know that men are (6).

These things, Venerable Brothers, we hold with certain faith and await. Nevertheless, they do not prevent us, for our part, from also taking care to promote the work of God: and that, not only by constantly exclaiming: "Arise, O Lord, let not man prevail" (7); but, which is more important, in deed and word, openly and in the light, affirming and vindicating the supreme dominion of God over men and all other creatures, that His right to rule and His power may be piously revered and observed by all. This, indeed, is not only demanded by a duty arising from nature, but also by the common good of our race. For whose hearts would not be filled with dread and sorrow, Venerable Brothers, when...

(1) II Thessalonians 2:4

(2) Wisdom 11:24

(3) Psalm 77:65

(4) Ibid. 76:22

(5) Ibid. 46:7

(6) Ibid. 9:20

Translated by churchlatin.ai, a product of Boyne Archives

(7) Ibid. 9:19

[*Latin ed. p. 133*]

ENCYCLICAL LETTER

It is to be seen that, while the progress of humanity is rightly praised, the great majority of men are engaged in fierce disputes among themselves, so that it is almost a war of all against all. The desire for peace certainly touches the hearts of all, and there is no one who does not earnestly invoke it. However, peace, when God is rejected, is absurdly sought: for where God is absent, justice perishes; and when justice is removed, all hope of peace is in vain. Justice is the work of peace (1).

Indeed, we know that there are not a few who, moved by a desire for peace, and for the tranquility of order, gather together in groups and factions, which they call "orders." But alas, what empty hopes and cares! The parts of order that can truly bring peace to troubled times are one: the parts of those who love God. Therefore, these must be promoted, and as many as possible drawn to them, if we are moved by a love of security. But these very things, Venerable Brothers, the restoration of the human race to the majesty of God and His dominion, however much we may strive, will never occur except through Jesus Christ. For the Apostle warns: "For other foundation no man can lay, but that which is laid: which is Christ Jesus" (2). For He alone is the one whom the Father sanctified and sent into the world (3); the brightness of the Father and the image of His substance (4), true God and true man: without whom, no one can acknowledge God as He ought; for no one knows the Father except the Son, and to whomever the Son wishes to reveal Him (5).

Therefore, it follows that it is entirely through Christ that all things must be restored, and that men must be brought back to obedience to God. Therefore, we must direct our efforts to bring the human race under the dominion of Christ: and when this is accomplished, it will have already migrated back to God. We pray to God, not to that forgetful and negligent God whom the delusions of the materialists have created; but to the living and true God, one in nature, three in person, the author of the world, who providentially governs all things with the greatest wisdom, and finally, the most just lawgiver, who will judge the living, and who has promised rewards for virtues.

Furthermore, the path to Christ is clear to us: namely, through the Church. Therefore, Chrysostom rightly says: "Hope" (1).

(1) Is. 32, 17.

(2) 1 Cor. 3, 11.

(3) Jn. 10, 36.

Translated by churchlatin.ai, a product of Boyne Archives

(4) Heb. 1, 5.

(5) Mt. 11, 27.

[*Latin ed. p. 134*]

454 "Your Encyclical Letter, your salvation, your refuge is the Church. (1) For it is upon this that Christ founded it, purchased with the price of His blood; and to it He entrusted His doctrine and the laws of His precepts, bestowing at the same time the most abundant gifts of divine grace for the sanctification and salvation of men. Therefore, Venerable Brothers, you see what office is demanded of us, both for ourselves and for you: to bring back to the discipline of the Church those men who have strayed from the wisdom of Christ; the Church being subject to Christ, and Christ to God. And if, with God's help, we accomplish this, we shall rejoice that iniquity has ceased and justice has been restored, and we shall happily hear the great voice from heaven saying: "And I heard a loud voice in heaven, saying: Now is come salvation and strength and the kingdom of our God and the power of his Christ: because the accuser of our brethren is cast forth, who accused them before our God day and night." (2) — But in order that this may have the outcome you desire, it is necessary to exert every effort to eradicate that immense and detestable wickedness, which is the characteristic of this age, by which, indeed, man has substituted himself for God: then the most holy laws of the Gospel and the counsels for restoring the ancient dignity must be promoted; the truths handed down by the Church must be more firmly asserted, and those things which are proofs of its sanctity concerning marriage, the education and instruction of children, the possession and use of goods, the duties of those who administer public affairs; and finally, harmony must be restored among the various orders of society, according to the Christian institution and custom. — We, indeed, propose to pursue these things before you, obeying the will of God, and we shall pursue them with all our strength. And you, Venerable Brothers, will support our efforts with your sanctity, your knowledge, your actions, and your zeal, striving above all for the glory of God, seeking nothing else than that Christ may be formed in all things (3). It is scarcely necessary to say what aids we must use for so great a task; they are readily available. — Let this be our first concern: to form Christ in those who are destined by the office of their ministry to form Christ in others. This concerns the priests, Venerable Brothers. For those who have been initiated into the sacred ministry must know that they have been given a province among the people with whom they associate, as Paul testified in those most loving words: "My children, whom I am again in labor for, until Christ is formed in you" (1).

(1) Horn, de capto Eutropio, n. 6.

(2) Apoc. xii, 10.

Translated by churchlatin.ai, a product of Boyne Archives

(3) Gal. iv, 19.

[*Latin ed. p. 135*]

ENCYCLICAL LETTER 135: concerning you (1). But who can fulfill this office, unless they themselves have first put on Christ? And they must put him on in such a way that they can use the words of his Apostle: "And I live, now not I: but Christ liveth in me. And that I live now in the flesh: I live in the faith of the Son of God, who loved me and delivered himself for me" (2). "For to me, to live is Christ" (3). Therefore, although it pertains to all the faithful to strive to become perfect men, to the measure of the full age of Christ (4), it pertains especially to him who exercises the priesthood; who is therefore called another Christ, not only by the communication of power, but also by the imitation of deeds, whereby he expresses the image of Christ within himself. Since this is so, what great care must be taken by you, Venerable Brothers, in forming the clergy in all holiness! All other concerns must give way to this. Therefore, let the greater part of your diligence be devoted to the proper ordering and governing of the sacred seminaries, so that both the integrity of doctrine and the sanctity of morals may flourish. Let each of you have a share in this, omitting nothing that is for its benefit, as was most wisely established by the Council of Trent.

Now, when the time comes for the candidates to be initiated into the sacred orders, let it not escape your minds what Paul wrote to Timothy: "Lay not thy hands hastily upon any man" (5); consider this most carefully, for you will usually be ordaining those who will be such as you deem them to be. Therefore, let no regard be had for any private advantage; but let you look only to God and the Church, and to the eternal good of souls, lest, as the Apostle warns, you "be partakers of others' sins" (6).

Furthermore, let the newly ordained priests, recently come from the seminary, not be neglected by your efforts. We earnestly urge them, bring them often into your hearts, which ought to be inflamed with heavenly fire, kindle them, set them ablaze, so that they may devote themselves to one God and to the salvation of souls. We, Venerable Brothers, will indeed diligently provide that men of the sacred clergy are not caught in the snares of a certain false and deceptive science, which does not smell of Christ, and which, with cunning arguments, promotes rationalism or semi-rationalism (1).

(1) Gal. iv, 19.

(2) Gal. ii, 20.

(3) Philipp, i, 21.

(4) Ephes, iv, 13.

(5) I Tim. v, 22.

Translated by churchlatin.ai, a product of Boyne Archives

(6) Ibid.

[*Latin ed. p. 136*]

136 - The Encyclical Letter strives to expose errors; and already, the Apostle Timothy was warned to be on guard against them, when he wrote: "Keep the deposit entrusted to you, avoiding the profane novelties of words and oppositions of false science, which some, promising them, have strayed from the faith" (1). However, this does not prevent us from considering those among the younger clergy to be worthy of praise, who diligently pursue the study of useful doctrines, in all branches of wisdom, so that they may become more skilled in defending the truth and refuting the calumnies of the enemies of the faith. Nevertheless, we cannot conceal, nor do we openly deny, that we shall always hold in low esteem those who, although they do not entirely neglect sacred and human disciplines, nevertheless devote themselves almost entirely to matters of little utility, neglecting the duties that befit a priest, zealous for the glory of God. It is a great sorrow and a constant pain to our heart (2), when we see, even in our own time, the lamentation of Jeremiah: "The little ones have asked for bread, and there was none to break it unto them" (3). For it is not lacking in the clergy those who, according to their own abilities, may devote themselves to matters of more shadow than of solid utility; but truly, few are those who, following the example of Christ, take to themselves the Prophet's words: "The Spirit of the Lord hath anointed me, he hath sent me to preach the Gospel to the poor, to heal the broken of heart, to preach good tidings to the captives, and to restore sight to the blind" (4). – But how can one avoid, Venerable Brothers, when men are led by reason and freedom, that the discipline of religion is the most important way to restore the dominion of God in human souls? How many, indeed, hate Christ, who hate the Church, who are horrified by the Gospel, more through ignorance than through wickedness of heart! Of these, it is rightly said: "Whatsoever they do not know, that they blaspheme" (5). And this is not found only among the common people, or the lower classes, who are easily led astray by error; but also among the educated, and indeed among those who are otherwise endowed with no small learning. From this arises, in many, a lack of faith. For it must not be said that faith is extinguished by the progress of science, but rather that ignorance is extinguished; and therefore, the greater the ignorance, (1) 1 Timothy 6:20-21. (2) Romans 9:2. (3) Lamentations 4:4: "Daleth. The tongue of the sucking child hath stuck to the roof of his mouth for thirst: the little ones have asked for bread, and there was none to break it unto them." (4) Luke 4:18-19. (5) Judges 10.

[*Latin ed. p. 137*]

ENCYCLICAL LETTER 157, wherein the defect of faith may be more clearly manifested. Wherefore, the Apostles were commanded by Christ:

Translated by churchlatin.ai, a product of Boyne Archives

"Going therefore, teach ye all nations, baptizing them in the name of the Father and of the Son and of the Holy Ghost." Now, that the fruits of the office and study of teaching may yield as much as is hoped for, and that Christ may be formed in all things, it must be deeply impressed upon your minds, Venerable Brothers, that nothing is more efficacious than charity. For the Lord does not stir up disturbance (2). It is hoped, perhaps wrongly, to entice souls to love God with a greater effort; but rather, errors are more fiercely increased, and vices more vehemently reprehended, to the detriment rather than to the advantage. Indeed, the Apostle exhorted Timothy: "Argue, beseech, reprove; yet, add thereto: in all patience" (3). Certainly, such examples have been given us by Christ. "Come," we read, "Come to me all ye that labor and are burdened, and I will refresh you" (4). By "laboring" and "burdened," He understood none other than those who are held by sin or error. How great is the meekness in that divine Master! What sweetness, what mercy for all who are in distress! His heart is plainly depicted by Isaiah in these words: "I will put my spirit upon him; he shall not contend, nor cry out; neither shall a rod go forth from his mouth; he shall not break a bruised reed, nor extinguish a smoking flax" (5). And that charity, which is patient and kind (6), must also be extended to those who are hostile to us, or who attack us with enmity. "We are blessed, and we curse; we suffer persecution, and we endure it; we are blasphemed, and we bless" (7), thus Paul confessed of himself. They may seem worse than they are. For, by the custom of others, by preconceived opinions, by foreign counsel and examples, they have finally been transferred to the side of the wicked; yet their will is not so depraved as they themselves believe. Let us hope, then, that the flame of Christian charity will dispel the darkness from their minds, and bring to them both the light of God and peace. Sometimes, perhaps, the fruits of our labor will be delayed; but charity is never weary, remembering that the rewards are not promised for the fruits of labor, but for the will.

(1) Matth. XXVIII, 19.

(2) III Kings XIX, 11.

(3) II Timothy iv, 2.

(4) Matthew xi, 28.

(5) Isaiah XLII, 1-2.

(6) I Corinthians XIII, 4.

(7) Ibid. iv, 12-13.

[*Latin ed. p. 138*]

58. ENCYCLICAL LETTER. Nevertheless, Venerable Brothers, it is not Our intention that, in this arduous work of restoring all nations to Christ, you and your clergy should have no helpers whatsoever. We know that God has commanded each person to care for his neighbor (1). Therefore,

Translated by churchlatin.ai, a product of Boyne Archives

not only those who have dedicated themselves to the sacred ministry, but all the faithful must strive, according to the reasons of God and of souls: not, of course, each one with his own methods and abilities, but always under the guidance and direction of the Bishops; for to teach, to govern, to direct, nothing is given to anyone in the Church except to you, whom the Holy Spirit has placed to govern the Church of God (2).

Catholics, with a variety of purposes, but always for the good of religion, should come together in societies. Our predecessors have long approved of this, and with good reason. Moreover, we do not hesitate to adorn this excellent institution with our praise, and we earnestly desire that it be widely spread and flourish. Indeed, we intend that such associations should, above all, strive to ensure that those who are admitted into them live constantly according to the Christian manner. It matters little how many questions are discussed in detail, and how eloquently the rights and duties are debated, if these things are separated from action. For action is required by the times; but it must be action that is entirely dedicated to the sacred laws and to the faithful and complete observance of the prescriptions of the Church, to the free and open profession of religion, and to the exercise of all kinds of works of charity, without any regard for self or for worldly advantages. Such examples of Christ's soldiers will be far more effective in moving hearts and inspiring them than elaborate words and subtle discussions. It will be easy, with fear cast aside, prejudices and doubts dispelled, for many to be converted to Christ, and to spread knowledge of Him and love for Him everywhere; which are the way to true and lasting happiness. Indeed, if the commandments of God are faithfully observed in cities, and in any places, if honor is given to the sacred things, if there is frequent use of the sacraments, if all that pertains to the life of a Christian is observed; then, Venerable Brothers, very little further effort will be required to ensure that all things are rooted in Christ. And these things should not only be considered as leading to heavenly goods: they will also, and indeed most of all, contribute to the public and civic benefits of this age. For with these things attained, the best (1) Eccli. XVII, 12. (2) Acts XX, 28.

[*Latin ed. p. 139*]

ENCYCLICAL LETTER 139. Those who are rich in possessions should be joined by those who are bound by equity and charity; those, however, should bear the hardships of fortune with composure and patience; citizens should obey the laws, not greed; and rulers, and all who govern, whose power comes only from God (1), should fear and love the Church. What more can be said? It must be understood by all that the Church, as founded by its Author, Christ, ought to enjoy complete and perfect freedom, and should not be subjected to foreign domination; and that, in defending this very freedom, we not only safeguard the most sacred rights of religion, but

Translated by churchlatin.ai, a product of Boyne Archives

also promote the common good and security of the people. Indeed, piety is useful for all things (2); and when it is preserved and flourishing, the people will truly dwell in the fullness of peace (3). May God, who is rich in mercy (4), graciously hasten this restoration of the human race in Christ Jesus; for it is not a work of human will or effort, but of God's mercy (5).

3. We, Venerable Brothers, in a spirit of humility (6), daily and earnestly pray to Him for this, through the merits of Jesus Christ. Let us also avail ourselves of the most present intercession of the Virgin Mary: to whom, since we are publishing these letters on the very day that is dedicated to the memory of the Most Holy Rosary, we decree and confirm that whatever our Predecessor ordered to be said in the month of October to the Virgin in Augsburg, through the public recitation of the same Rosary in all churches, we likewise decree and confirm; and we also urge that the patrons of the Catholic Church, the most chaste Mother of God, and the holy Apostles Peter and Paul, be invoked as intercessors. May all these things occur properly, and may all things turn out for your good; we earnestly implore the abundant assistance of divine graces. As a witness to the sweetest charity, with which we embrace you, Venerable Brothers, and all the faithful, whom the providence of God has willed to be entrusted to us, we impart to you, Venerable Brothers, to your clergy and to your people, our paternal apostolic blessing, most lovingly in the Lord.

Given at Rome, at St. Peter's, on the fourth day of October, 1903, in the first year of Our Pontificate.

PIUS PP. X

(1) Rom. XIII, 1.

(2) I Tim. iv, 8.

(3) Is. XXXII, 18.

(4) Ephes. i, 4.

(5) Rom. ix, 16.

(6) Dan. ii, 39.

[*Latin ed. p. 140*]

EPISCOPAL LETTER. ENCYCLICAL. 140 (Alternative official text) TO THE VENERABLE BROTHERS, THE PATRIARCH, THE PRIMATE, THE ARCHBISHOPS, BISHOPS, AND OTHER ORDINARIES, IN PEACE AND COMMUNION WITH THE APOSTOLIC SEE. PIUS, POPE. To the Venerable Brothers, greetings and Apostolic blessing. When addressing you for the first time from the chair of the supreme apostolate, to which, through inscrutable divine providence, We have been elevated, it is necessary that We recall with what tears and fervent pleas We endeavored to remove

Translated by churchlatin.ai, a product of Boyne Archives

from Ourselves this formidable burden of the pontificate. Although utterly unequal in merit, We believe We can truthfully adopt the words with which the holy Anselm lamented, when, unwillingly and reluctantly, he was compelled to receive the honor of the episcopate. For, to demonstrate the spirit and will with which We have subjected Ourselves to the most grave duty of tending the flock of Christ, We can readily offer the very proofs of sorrow which he invoked for himself. "My tears," he wrote, "and the voices and the groans emanating from the depths of my heart, which I never remember having uttered, for any sorrow, before that day, when it seemed to me that that grievous misfortune of the Archbishopric of Cantuaria had fallen upon me," are witnesses. Nor could those who, on that day, fixed their gaze upon my face, fail to notice... I, more resembling a dead man than a living one, was pale with astonishment and distress. And to the election of me, or rather, to the imposition upon me, I have, until now, speaking truthfully, resisted as much as I could. But already, whether We will or not, We are compelled to confess that the judgments of God are increasingly resisting Our efforts, so that We see no way to escape them. Therefore, overcome by the force, not so much of men as of God, against which there is no defense, We understand that We have no other recourse than, after... (1) Ep. 1. HI, ep. i.

[*Latin ed. p. 141*]

I have prayed as much as I could, and I have striven so that this chalice, if it were possible, might pass from me, that I might not drink it; but, submitting my feelings and my will entirely to the counsel and will of God, I now yield myself entirely. And indeed, there were many and most weighty reasons for this our reluctance. For, beyond considering ourselves entirely unworthy of the honor of the papacy because of our unworthiness, who would not be moved to see himself designated to succeed him who, for almost twenty-six years, governed the Church with such great wisdom, and who displayed such sublimity of mind, such brilliance of every virtue, as to inspire admiration even in his adversaries, and left behind a memory of himself in most illustrious deeds? — Moreover, beyond all other considerations, we were terrified, above all else, by the most grievous conditions in which human society now finds itself. For who does not perceive that human society, more than in past ages, is now afflicted by a most grave and profound malady, which, growing more and more each day, and corroding it to its very depths, leads it to ruin? You, Venerable Brothers, understand what this disease is: the apostasy from God; with which nothing is more closely connected, as the Prophet says: Behold, those who are far from you shall perish (1). — We therefore saw that, by virtue of the pontifical ministry which was to be entrusted to us, we were obliged to address this great evil, considering it to be directed towards us that divine command: "I have this day constituted thee over the nations and over kingdoms, that thou

Translated by churchlatin.ai, a product of Boyne Archives

mayest destroy and root out, and build and plant" (2). But, being aware of our weakness, we were frightened away from a task that was both most urgent and equally most difficult. Nevertheless, since it pleased the divine will to raise our lowliness to such a height of power, we take courage in Him who comforts us; and, setting ourselves to the task, supported by the power of God, we proclaim that we have no other program in the supreme pontificate, than this very thing of restoring all things in Christ (3), so that all may be in Christ (4).

(1) Ps. 72, 26 (Douay-Rheims).

(2) Jeremias, 1:10 (Douay-Rheims).

(3) Ephesians, 1:10 (Douay-Rheims).

(4) Colossians, 3:11 (Douay-Rheims).

[*Latin ed. p. 142*]

Those who seek to equate human things with divine things, who will attempt to scrutinize the secret intentions of Our heart, twisting them for worldly purposes and partisan studies. To cut off all vain flattery, We say to these with all sincerity that We desire to be, and with divine help, We shall be before human society nothing other than the Minister of God, of whose authority We are the depositaries. The interests of God will be Our interests; for which We are resolved to expend all Our strength and even Our life itself. Therefore, if anyone requires from Us a password, an expression of Our will, We will always give it, and no other: To restore all things in Christ. In this magnificent undertaking, We infuse great alacrity, O Venerable Brothers, with the certainty that you will all be generous collaborators. If We were to doubt this, We would unjustly consider you either unaware or unconcerned about that sacrilegious war that, it can now be said, is waged and maintained against God in every place. For truly, the nations raged and the peoples meditated vain things against their Creator (1); so that the cry of the enemies of God is common: Depart from us (2). And in accordance with this, We see in most men every respect for God eternal extinguished, without any regard for His supreme will in the manifestations of private and public life; indeed, with every effort, with every artifice, they seek to utterly destroy even the memory of God and His knowledge. Whoever considers all of this has good reason to fear that such perversity of minds is almost a sign, and perhaps the beginning of the evils that are reserved for the latter times; and that already in the world is the son of perdition, of whom the Apostle speaks (3). Indeed, so great is the audacity and the anger with which religion is pursued everywhere, the dogmas of the faith are combatted, and every connection of man with the Divinity is shamelessly sought to be eradicated and annihilated! Instead, what is precisely, according to the words of the same Apostle, the characteristic of Antichrist, is that man himself, with infinite temerity, has placed himself in the place of God, raising himself above all that is called God; so that, although he

Translated by churchlatin.ai, a product of Boyne Archives

cannot completely extinguish within himself every knowledge of God, he nevertheless, having violated the majesty of (1) Psalm 13, 1. (2) Job 21, 14. (3) II Thessalonians 2, 3.

[*Latin ed. p. 143*]

EPISCOPAL LETTER, ENCYCLICAL 143. He has made the universe itself almost a temple, in order to be worshipped there. He dwells in the temple of God, showing Himself as if He were God (1). Truly, no sane person can doubt with what sort of struggle this battle of men is waged against the Most High. Can man, abusing his freedom, violate the right and majesty of the Creator of the universe? But the victory will always be God's: indeed, it is then that defeat is nearer, when man, in the deceit of triumph, rises up more boldly. God Himself assures us of this in the holy Scriptures... Almost forgetting His power and His greatness, He overlooks the sins of men (2); but soon, after these apparent retreats, He will be roused, as if strongly awakened from drunkenness (3), and He will crush the head of His enemies (4); that all may know that God is the King of all the earth (5), and that the nations may know that they are men (6). All of this, Venerable Brothers, We believe and await with unwavering faith. But this does not prevent us, as much as is given to each of us, from striving to hasten the work of God; not only by praying assiduously: "Arise, O Lord, let not man prevail" (7); but, more importantly, by affirming, with deeds and words, the supreme dominion of God over men and all things, so that the right which He has to command and His authority may be fully appreciated and respected. This is not only required of us by the duty that nature imposes, but also by our common advantage. For who, Venerable Brothers, is not saddened and grieved to see the majority of humanity, while the progress of civilization is rightly praised, fighting against each other so atrociously, as if it were a struggle of all against all? The desire for peace certainly dwells in the heart of everyone, and no one fails to invoke it with fervor. But to desire peace without God is absurd: for where God is absent, justice is also absent; and without justice...

(1) 1 Thessalonians 2:2.

(2) Wisdom 11:24.

(3) Psalm 77:63.

(4) Ibid. 76:22.

(5) Ibid. 46:7.

(6) Ibid. 9:20.

(7) Ibid. 9:19.

[*Latin ed. p. 144*]

ENCYCLICAL LETTER: Without justice, all hope of peace is in vain. Peace is the work of justice (1).

Translated by churchlatin.ai, a product of Boyne Archives

We know well that not a few, driven by this desire for peace, that is, for the tranquility of order, gather together in societies and parties, which they call, in fact, "parties of order." Hopes and labors lost! The only party that can truly restore peace amidst the turmoil of things is the party of God. Therefore, we must promote this party, and attract as many as we can to it, if we are truly moved by a love of peace. However, Venerable Brothers, this call of men to the majesty and empire of God, no matter how much we strive, will never be achieved except through Jesus Christ. For no one, as the Apostle warns us, can lay another foundation than that which has been laid, which is Jesus Christ (2). It is Christ alone whom the Father sanctified and sent into this world (3), the splendor of the Father and the image of his substance (4), true God and true Man: without whom no one can know God, as is fitting for salvation; for neither did the Father know anyone unless it be the Son, and those to whom the Son reveals him (5).

Therefore, it follows that to establish all things in Christ and to bring men back to submission to God is one and the same purpose. Therefore, we must direct our efforts to bring the human race under the dominion of Christ; by doing so, we will also bring it back to God. By God, we mean not that inert and unconcerned God that the materialists imagined, but the living and true God, one in nature, trine in persons, creator of the world, most wise organizer of all things, most just legislator, who punishes the wicked and has a reward ready for virtue. Now, what is the path to reach Christ? It is the Church. Therefore, Chrysostom rightly teaches: "Your hope is the Church, your salvation is the Church, your refuge is the Church" (6). And for this reason, Christ founded it, acquiring it at the price of his blood; and he made it the depositary (1) Is. 32:17. (2) 1 Cor. 3:11. (3) John 10:36. (4) Heb. 1:3. (5) Matthew 11:27. (6) Homily on the Capture of Eutropius, no. 6.

[*Latin ed. p. 145*]

ENCYCLICAL LETTER 145 of its doctrine and its laws, bestowing upon them a boundless wealth of graces for the sanctification and salvation of men. Therefore, Venerable Brothers, consider what duty has been imposed upon Us, as well as upon you: to recall the human race, which has strayed from the wisdom of Christ, to the discipline of the Church; the Church, in turn, will subject it to Christ, and Christ to God. If, by the goodness of God Himself, We shall bring this to fruition, We shall be glad to see evil give way to good; and, for Our joy, We shall hear a great voice from Heaven saying: "Now has come the salvation, and the power, and the kingdom, and the authority of our God, and the power of His Christ" (1). – But in order that all of this may be attained according to Our desire, it is necessary that We, by every means and with all effort, eradicate completely that enormous and detestable wickedness, so characteristic of Our time, namely, the substitution of man for God. After this, the most holy laws and counsels of

Translated by churchlatin.ai, a product of Boyne Archives

the Gospel must be restored to their ancient honor; the truths taught by the Church, and its doctrine concerning the sanctity of marriage, the education and instruction of youth, the possession and use of goods, the duties owed to those who govern the state, must be affirmed with the utmost vigor; and finally, the balance among the different classes of society must be restored according to Christian prescriptions and customs. – We firmly intend, in submitting to the divine will, to seek these things during Our pontificate, and We shall seek them with all diligence. To you, Venerable Brothers, it belongs to further Our endeavors with your holiness, your knowledge, your experience, and above all, with your zeal for the glory of God; having nothing else in view but that Christ may be formed in everyone. As for what means must be employed to achieve so great a purpose, it seems superfluous to indicate; for they are obvious of themselves. – Let your first concerns be to form Christ in those who, by the duty of their vocation, are destined to form Him in others. We mean to speak of priests, Venerable Brothers. For those who have been invested with the priesthood must know that, among the people with whom they live, they have the very same mission that Paul testified to (1).

(1) Apoc. XI, 10.

[*Latin ed. p. 146*]

146 ENCYCLICAL LETTER: Having received these tender words: "My children, whom I am again in labor with, until Christ be formed in you" (1). But how can they fulfill such a duty, if they themselves are not first clothed with Christ? And clothed in such a way, that they may say with the Apostle: "I live, now not I, but Christ liveth in me" (2). "For me to live is Christ" (3). Therefore, although the exhortation to advance towards the perfection of a man, according to the measure of the age of the fullness of Christ (4), is addressed to all, nevertheless it is primarily directed to those who exercise the priestly ministry; who are therefore called another Christ, not only for the communication of power, but also for the imitation of works, so that they must bear in themselves the image of Christ. Given these things, what, O Venerable Brothers, and how great solicitude should you devote to forming the clergy in holiness! Let no other undertaking take precedence over this. Therefore, the principal part of your diligence must be directed towards ordering and governing your seminaries in such a way that they flourish equally in the integrity of teaching and in the purity of morals. Regard the seminary as the delight of your heart; and for its benefit, omit nothing of what the Council of Trent determined with great providence. — When the time arrives in which the young candidates must proceed to the sacred orders, oh! let it not be forgotten what St. Paul writes to Timothy: "Lay not thy hands hastily upon any man" (5); reflecting with the utmost care that such as are ordained will be the faithful, such as those whom you call to the priesthood. Therefore, do not regard any particular interest; but

Translated by churchlatin.ai, a product of Boyne Archives

aim only at God and the Church, and the eternal good of souls, so that, as the Apostle warns, you do not communicate in the sins of others (6). — Furthermore, do not cease your efforts regarding the newly ordained priests and those already emerged from the seminary. We commend this to you from the depths of our heart, approach them often in your own [presence] (1) Gal. iv, 19. (2) Ibid. ii, 20. (3) Philippi i, 21. (4) Ephesians iv, 13. (5) I Timothy v, 22. (6) Ibid.

[*Latin ed. p. 147*]

ENCYCLICAL LETTER 147, heart, which must burn with heavenly fire, kindle them, inflame them, for they should desire nothing but God and the salvation of souls. We, therefore, Venerable Brothers, will diligently watch so that the members of the clergy are not drawn into the snares of a certain new and deceptive science, which is unknown in Christ, and which, with subtle and insidious arguments, seeks to pave the way for the errors of rationalism or semi-rationalism; – against which the Apostle already warned his Timothy to be on guard, writing to him: "Guard the deposit, avoiding the profane novelties of words and the oppositions of a science of a false name, from which some, having made promises, have fallen away from the faith" (1). However, this does not mean that we do not commend those young priests who devote themselves to the study of useful doctrines in every branch of science, so that they may be better equipped to defend the truth and refute the calumnies of the enemies of the faith. Nevertheless, we cannot conceal, but rather openly declare, that our preference is and will always be for those who, while cultivating ecclesiastical and literary learning, dedicate themselves more closely to the good of souls through the exercise of those ministries that are proper to a zealous priest of the divine honor. It is a great sadness and a constant sorrow to Our heart (2) to see the lament of Jeremiah still applicable in our days: "The children asked for bread, and there was none to break it to them" (3). For it is not lacking in the clergy those who, according to their own inclination, dedicate themselves to works that are more apparent than solid in their utility: but perhaps there are not as many who, following the example of Christ, take to themselves the words of the Prophet: "The Spirit of the Lord has anointed me, he has sent me to evangelize the poor, to heal the brokenhearted, to proclaim release to the captives and recovery of sight to the blind" (4). – Surely, Venerable Brothers, do not men, acting with reason and freedom, find that the principal way to restore the reign of God in souls is through religious instruction? How many are there who, more out of ignorance than out of malice of spirit, oppose Christ and abhor the Church and the Gospel! Of these, it is rightly said (1) Timothy 6, 20-21. (2)

Translated by churchlatin.ai, a product of Boyne Archives

Romans 9, 2. (3) Lamentations 4, 4. (4) Luke 4, 18-19.

[*Latin ed. p. 148*]

148 ENCYCLICAL LETTER: They blaspheme all that they do not understand (1). This is not found only among the people or the most wretched rabble, who are therefore easily deceived; but also among the civil classes, and even among those who are otherwise endowed with no inconsiderable education. From this, many lose the faith. For it is not true that the progress of science extinguishes the faith, but rather ignorance; hence it happens that where ignorance prevails, incredulity makes greater slaughter. And this is the reason why Christ commanded the Apostles: "Going, teach all nations" (2). But in order that this apostolate and zeal for teaching may yield the hoped-for fruit and form Christ in all, let each one, Venerable Brothers, remember that nothing is more effective than charity. For the Lord is not found in harshness (3). It is vain to hope to attract souls to God with bitter zeal: indeed, harshly reproaching errors, and rebuking vices with severity, often does more harm than good. The Apostle Timothy is truly exhorted: "Reprove, entreat, admonish; but he also added: with all patience" (4). Certainly, Jesus has left us such examples. "Come to me, all you who labor and are burdened, and I will refresh you" (5), we find Him saying. And He intended nothing other than those who are slaves to sin and error by those afflicted and burdened. How great was the meekness of that divine Master! What tenderness, what compassion towards every kind of miserable person! The heart of Isaiah wonderfully depicted this with his words: "I will put my Spirit upon him; he shall not strive nor cry out; neither shall any man see a bridle upon his mouth. And a reed shall he not break, and the smoking flax shall he not quench" (6). This charity, which is patient and kind (7), must be extended even to those who are adverse to us and persecute us. "We are cursed," St. Paul testified of himself, "and we bless; we are persecuted, and we endure; we are blasphemed, and we pray" (8). They may seem worse (1) *Ibid.* (2) Matthew 28:19. (3) 3 Kings 19:11. (4) 2 Timothy 4:2. (5) Matthew 11:28. (6) Isaiah 42:1-2. (7) 1 Corinthians 13:4. (8) *Ibid.* 4:12-13.

[*Latin ed. p. 149*]

ENCYCLICAL LETTER, 149, concerning what they truly are. Their association with others, prejudices, the advice and examples of others, and finally, ill-advised shame, have led them into the ranks of the wicked; but their will is not so depraved as they themselves seek to make others believe. Who can prevent us from hoping that the flame of Christian charity will dispel the darkness from their minds and bring forth the light and peace of God? Perhaps the fruit of our labors will sometimes be delayed; but charity never tires of waiting, remembering that God prepares his rewards not according to the outcome of our efforts, but according to our good will. It is

Translated by churchlatin.ai, a product of Boyne Archives

true, Venerable Brothers, that in this arduous work of restoring the human race to Christ, it is not our intention that you or your clergy should not receive any kind of assistance. We know that God commended to each one the care of his neighbor (1). Therefore, it is not only the priests, but all the faithful without exception, who must concern themselves with the interests of God and of souls; but this must be done, not according to their own arbitrary will and views, but always under the direction and command of the Bishops; for to preside, to teach, and to govern, is granted to no one in the Church except to you, whom the Holy Spirit has placed to govern the Church of God (2). Our predecessors, for a long time, have approved and blessed those Catholics who, with various purposes but always with religious intentions, associate themselves together in societies. We, too, do not doubt that we should pay tribute to such an excellent institution, and we greatly desire that it spread and flourish in cities and in the countryside. However, we wish that such associations should, above all and primarily, strive to ensure that the Christian life is constantly maintained among those who are enrolled in them. It matters little how subtly certain questions are discussed, or how eloquently rights and duties are debated, if all this is divorced from practice. The times in which we live demand action; but an action that consists entirely of observing faithfully and completely the divine laws and the prescriptions of the Church, in the frank and open profession of religion, and in the exercise of every act of charity, without any regard for oneself and for earthly advantages. Such shining examples of so many "soldiers of Christ" will be far more effective in stirring the hearts and...

(1) Ecclesiasticus XVII, 12.

(2) Acts XX, 28.

[*Latin ed. p. 150*]

150 ENCYCLICAL LETTER to draw them in, not with mere words and sublime discussions; and it will easily happen that, once human respect is overcome, and prejudices and hesitations are laid aside, many will be drawn to Christ, becoming in turn promoters of the knowledge and love of Him, which are the path to true and solid happiness. Oh! Without a doubt, if in every city, in every village, the law of the Lord is faithfully observed, if respect is shown for sacred things, if the sacraments are frequented, if all that pertains to the Christian life is practiced; then it will not be necessary for us, Venerable Brothers, to exert ourselves further to see all things restored in Christ. From this, not only will benefit be expected for the acquisition of eternal goods; but also great help will be obtained for the advantages of this life and of human society. Indeed, once the aforementioned things are secured, the nobles and the wealthy will know how to be just and charitable towards the humble, and these will bear with tranquility and patience the hardships of a more difficult state; citizens

Translated by churchlatin.ai, a product of Boyne Archives

will obey not arbitrary commands but the laws; and due reverence and love will be shown to those who govern, whose power comes only from God (1). What more? Then, finally, it will be clear to everyone that the Church, as instituted by Christ, must enjoy full and complete freedom and independence from all foreign domination; and that We, in demanding this very freedom, not only protect the sacred rights of religion, but also provide for the common good and the security of the people. Indeed, piety is useful in all things (2); and when it is safe and flourishing, the people will truly sit in the fullness of peace (3). May God, who excels in mercy (4), graciously hasten this restoration of the human race to Jesus Christ; for it is not the work of those who will or of those who run, but of the merciful God (5). And We, Venerable Brothers, in the spirit of humility (6), with continuous and insistent prayer, let us ask this of Him for the merits of Jesus Christ. Let us also turn to the most powerful intercession of the Divine Mother: to obtain which, I say to you...

(1) Rom. XIII, i.

(2) I Tim. iv, 8.

(3) Is. XXXII, 18.

(4) Ephes. i, 4.

(5) Rom. ix, 16.

(6) Dan. III, 39.

[*Latin ed. p. 151*]

ENCYCLICAL LETTER 151. We issue this Our Letter on the very day appointed to commemorate the Holy Rosary; We decree and confirm what Our Predecessor ordered concerning dedicating the present month to the most august Virgin, through the public recitation, in all churches, of the same Rosary; furthermore, We urge that intercession be made to God, the most pure Spouse of Mary, patron of the Catholic Church, and to the holy princes of the Apostles, Peter and Paul. And because all of this may occur in accordance with Our desires, and that all things may prosper for you, We implore abundant gifts of divine grace upon you. As a testament to the most tender charity with which We embrace you and all the faithful whom divine Providence has entrusted to Our care, We impart to you, Venerable Brothers, to the clergy, and to your people, with all affection in the Lord, Our Apostolic Blessing. Given at Rome, near St. Peter's, on the 4th day of October, 1903, in the first year of Our Pontificate. PIUS PP. X (Tertius et ultimus textus officialis) TO OUR VENERABLE BROTHERS, THE PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARIES, WHO ARE IN PEACE AND COMMUNION WITH THE APOSTOLIC SEE. PIUS X, POPE. Venerable Brothers, greetings and Apostolic Blessing. At this very moment, as We address you for the first time from this

Translated by churchlatin.ai, a product of Boyne Archives

Apostolic Chair, to which We have been raised by an inscrutable counsel of God, it is unnecessary to remind you with what tears and fervent prayers We strove to deflect from Ourselves the burden of the Supreme Pontificate. We believe that, despite the absolute disparity of merits, We can adopt the lamentations of St. Anselm, when, despite his opposition and his...

[*Latin ed. p. 152*]

132 ENCYCLICAL LETTER. Despite his repugnance, he found himself compelled to accept the honor of the episcopate. The testimonies of sorrow which he gave at that time, We can present in turn, to show in what dispositions of soul and will We accepted this most formidable mission of shepherd of the flock of Jesus Christ. "The tears of my eyes are witness to it," he wrote (1), "as well as the groans, and, so to speak, the roars that my heart emitted in its deep anguish. They were such that I do not remember having shed similar ones in any pain, before the day when this calamity of the Archbishopric of Canterbury fell upon me. Those who, on that day, saw my face closely could not have failed to notice it. More like a corpse than a living man, I was pale with consternation and grief. To this election, or rather, this violence, I have resisted, as far as it was possible for me, and I say this in truth. But now, whether I will or not, I find myself compelled to recognize more and more clearly that the designs of God are contrary to my efforts, so that no means remain for me to escape them. Conquered, not so much by the violence of men as by the power of God, against whom no prudence can prevail, after having made every effort in my power to prevent this chalice from being taken away from me, that I might not drink it, I see no other course to take than to renounce my own judgment, my own will, and to surrender myself entirely to the judgment and will of God. Certainly, We too were not lacking in numerous and serious reasons to avoid this burden. Apart from the fact that, because of Our own unworthiness, We could in no way consider Ourselves worthy of the honors of the Pontificate, how could We not feel deeply moved when We saw Ourselves chosen to succeed Him who, for twenty-six years, or thereabouts, governed the Church with consummate wisdom, displaying such vigor of spirit and such outstanding virtues that He imposed Himself on the admiration of His adversaries themselves, and, through the brilliance of His works, immortalized His memory? Furthermore, and to pass over many other reasons, We experienced a certain terror in considering the disastrous conditions of humanity at the present time.

(1) Epp. I. m, ep. i.

[*Latin ed. p. 153*]

ENCYCLICAL LETTER 153 Concerning that profound and grave malady which afflicts human society, and which, increasing day by day and gnawing at it to its very core, leads it to ruin. This malady, Venerable Broth-

Translated by churchlatin.ai, a product of Boyne Archives

ers, you know it; it is, with regard to God, abandonment and apostasy; and nothing, without doubt, leads more surely to ruin, according to the words of the Prophet: Behold, they that are far from thee shall perish (1). To so great an evil, We understood that it belonged to Us, in virtue of the pontifical office entrusted to Us, to offer a remedy; We considered that this command of God was addressed to Us: Behold, I have appointed thee this day upon the nations and kingdoms, to root out, and to pull down, and to destroy, and to throw down (2); but fully conscious of Our weakness, We feared to undertake a work fraught with so many difficulties, and which yet admits of no delay. However, since it has pleased God to raise Our lowliness to this fullness of power, We draw courage from Him who strengthens Us; and setting Our hand to the work, supported by divine strength, We declare that Our sole aim in the exercise of the supreme Pontificate is to restore all things in Christ (3), so that Christ may be all in all (4). There will undoubtedly be those who, applying to divine things the short measure of human things, will seek to scrutinize Our innermost thoughts and to turn them to their earthly views and their partisan interests. To put an end to these vain attempts, We affirm in all truth that We wish to be, and with divine help, We will be nothing other than the minister of the God who has clothed Us with His authority, amidst human societies. His interests are Our interests; to devote Our strength and Our life to them is Our unwavering resolution. Therefore, if one were to ask Us for a motto, expressing the very essence of Our soul, We would never offer anything other than this: To restore all things in Christ. Wishing therefore to undertake and pursue this great work, Venerable Brothers, what redoubles Our ardor is the (1) Psalm lxvi, 26. (2) Jeremiah i, 10. (3) Ephesians i, 10. (4) Colossians iii, 11.

[*Latin ed. p. 154*]

154. ENCYCLICAL LETTER: We trust that you will be valiant auxiliaries in this endeavor. If We were to doubt this, We would seem, and wrongly, to consider you ill-informed or indifferent, in the face of the impious war that has been raised and is continuing almost everywhere against God. In these days, it is all too true that nations have raged and peoples have devised foolish plans (1) against their Creator; and it has almost become common for His enemies to cry out: "Depart from us" (2). From this arises, in most places, a complete rejection of all reverence for God. From this, habits of life, both private and public, in which no account is taken of His sovereignty. Moreover, no effort or artifice is spared to completely abolish even the memory and the very notion of God. He who considers these things has reason to fear that such a perversion of minds is the beginning of the evils foretold for the end of the times, and that, as if in contact with the earth, the "son of perdition" of whom the Apostle speaks (3) has already made his appearance among us. So great is the audacity and the rage with which men everywhere attack religion, battering down the dogmas of the faith,

Translated by churchlatin.ai, a product of Boyne Archives

and striving with obstinate effort to destroy all connection between man and the divine! On the contrary, and this, according to the same Apostle, is the characteristic of the Antichrist, man, with a nameless audacity, has usurped the place of the Creator, raising himself above all that bears the name of God. It is to such an extent that, unable to completely extinguish the notion of God within himself, he nevertheless shakes off the yoke of His majesty, and dedicates the visible world to himself as a temple, where he claims to receive the adoration of his fellow men. He sits in the temple of God, and shows himself as if he were God himself (4). What will be the outcome of this battle waged against God by weak mortals, no sane mind can doubt. It is certainly permissible for a man who wishes to abuse his freedom to violate the rights and the supreme authority of the Creator; but the victory always remains with the Creator. And it is not in...

(1) Psalm II, 1.

(2) Job XXI, 14.

(3) II Thessalonians II, 3.

(4) Ibid., 4.

[*Latin ed. p. 155*]

ENCYCLICAL LETTER

It is quite fitting to say: ruin draws ever nearer to man, precisely when he grows more audacious in the hope of triumph. This is what God Himself warns us in the Holy Scriptures. They say that He closes His eyes to the sins of men (1), as if forgetful of His power and majesty; but soon, after this seeming forbearance, awakening as a man whose drunkenness has increased his strength (2), He breaks the heads of His enemies (3); so that all may know that the Lord is God of all the earth (4), and that the nations may understand that they are but men (5). All of this, Venerable Brothers, we hold with certain faith and await. But this confidence does not exempt us, in matters that depend on us, from hastening the divine work, not only through persevering prayer: "Arise, O Lord, and let not man prevail" (6), but also, and this is what is most important, through word and deed, openly affirming and claiming for God the fullness of His dominion over men and over all creation, so that His rights and His power to command may be recognized by all with reverence and practically respected. To fulfill these duties is not merely to obey the laws of nature, but also to work for the benefit of the human race. Who, Venerable Brothers, could not feel his soul seized with dread and sadness when he sees the majority of men, while rightly celebrating the progress of civilization, unleash themselves against one another with such ferocity, as if it were a war of all against all? Undoubtedly, the desire for peace is in every heart, and there is no one who does not call for it with all his wishes. But this peace, foolishly

Translated by churchlatin.ai, a product of Boyne Archives

sought outside of God; for, to banish God is to banish justice: and when justice is banished, all hope of peace becomes a delusion. Peace is the work of justice (7).

(1) Sap. x i, 24.

(2) Ps. Lxxvii, 65.

(3) Ib. Lxvii, 22.

(4) Ib.. xLvi, 7.

(5) Ib. ix, 20.

(6) Ib. ix, 19.

(7) Is. XXXII, 17.

[*Latin ed. p. 156*]

156 ENCYCLICAL LETTER: Let us not ignore those who, moved by the love of peace, that is, the tranquility of order, associate and group together to form what they call the "party of order." Alas! Vain hopes, lost labors! There is only one party capable of restoring tranquility amidst the turmoil of things: the party of God. Therefore, it is this one that we must promote; it is to this one that we must bring as many adherents as possible, provided we are concerned with public safety. However, Venerable Brothers, this return of nations to respect for the majesty and sovereignty of God, no matter what efforts we make elsewhere to achieve it, will only come about through Jesus Christ. For the Apostle warned us that no one can lay a foundation other than that which has been laid, and that foundation is Jesus Christ (1). He alone, whom the Father has sanctified and sent into this world (2), splendor of the Father and image of his substance (3), true God and true man, through whom no one can know God as he ought, for no one has known the Father except the Son, and the one to whom the Son will have willed to reveal Him (4). Therefore, it follows that to restore all things in Christ and to bring men back to divine obedience is one and the same thing. And for this reason, the goal toward which all our efforts must converge is to bring the human race under the dominion of Christ. Once this is accomplished, man will, by that very act, be brought back to God. Not, we mean, an inert God, and unconcerned with human affairs, as the materialists have fabricated in their mad fantasies; but a living and true God, in three persons within the unity of nature, the author of the world, attending to all things with His infinite Providence, and finally, a most just legislator who punishes the guilty and ensures that virtues receive their reward. Now, what is the path that gives us access to Jesus Christ? It is before our eyes: it is the Church. St. John Chrysostom rightly says: "The Church is your hope, the Church is your salvation, the Church is your refuge" (5). This is why (1) 1 Corinthians 3:11. (2) John 10:36. (3) Hebrews

Translated by churchlatin.ai, a product of Boyne Archives

1:3. (4) Matthew 11:27. (5) Homily on the Capture of Eutropius, n. 6.

[*Latin ed. p. 157*]

ENCYCLICAL LETTER 157 that Christ established, after having acquired him at the price of his blood, because he entrusted to him his doctrine and the precepts of his law, bestowing upon him at the same time the treasures of divine grace for the sanctification and salvation of men. You see, Venerable Brothers, what work is entrusted to Us and to you. It consists of bringing back human societies, strayed far from the wisdom of Christ, to obedience to the Church; the Church, in turn, will subject them to Christ, and Christ to God. If it is given to us, by divine grace, to accomplish this work, we will have the joy of seeing iniquity give way to justice, and we will be happy to hear a great voice saying from on high: "Now is the time for salvation, and for virtue, and for the kingdom of our God, and for the power of his Christ" (1). — However, for the result to correspond to our desires, it is necessary, by all means and at the cost of all efforts, to completely eradicate this monstrous and detestable iniquity proper to the times in which we live, and by which man substitutes himself for God; to restore to their former dignity the most holy laws and the precepts of the Gospel; to proclaim openly the truths taught by the Church concerning the sanctity of marriage, concerning the education of childhood, concerning the possession and use of temporal goods, concerning the duties of those who administer public affairs; and finally, to restore the just balance between the various classes of society according to Christian laws and institutions. These are the principles that, in order to obey the divine will, We intend to apply throughout the course of Our Pontificate and with all the energy of Our soul. Your role, Venerable Brothers, will be to support Us with your holiness, your knowledge, your experience, and, above all, your zeal for the glory of God, aiming at nothing other than to form Jesus Christ in all. What means are suitable to employ to achieve so lofty a goal? It seems superfluous to indicate them; they present themselves of their own accord to the mind. — Let your first concern be to form Christ in those who, by the duty of their vocation, are destined to form him in others. We wish to speak of priests, Venerable Brothers. For all those who (1) *Apoc.* XI, 10.

[*Latin ed. p. 158*]

158. Those who are honored with the priesthood must know that, among the people with whom they live, they have the same mission that Paul testified to having received, when he spoke these tender words: "My children, whom I am again in labor until Christ be formed in you" (1). But how can they fulfill such a duty, if they themselves are not first clothed with Christ? And clothed to the point of being able to say with the Apostle: "I live, now not I, but Christ lives in me" (2). "For me, to live is Christ" (3).

Translated by churchlatin.ai, a product of Boyne Archives

Therefore, although all the faithful must aspire to the state of the perfect man, to the measure of the age of the fullness of Christ (4), this obligation belongs primarily to him who exercises the priestly ministry. He is called to be another Christ; not only because he participates in the powers of Jesus Christ, but because he must imitate His works and, by doing so, reproduce His image within himself. If this is so, Venerable Brothers, how great should not be your concern to form the clergy in holiness! No matter should take precedence over this. And the consequence is that the best and most important part of your zeal must be directed towards your seminaries, so that there may be introduced such an order, and such a government, that there may be seen flourishing side by side the integrity of teaching and the holiness of morals. Make the seminary the delight of your heart, and neglect nothing of all that the Council of Trent prescribed in its great wisdom to ensure the prosperity of this institution. — When the time comes to promote young candidates to the holy Orders, ah! Do not forget what St. Paul wrote to Timothy: "Lay not thy hands hastily upon any man" (5); persuading yourselves that, most often, those whom you admit to the priesthood will be such, and such also will be those faithful entrusted to their care. Therefore, regard no particular interest, of whatever nature it may be; but have in view only God, the Church, and the eternal happiness of souls, so as to avoid, as the Apostle warned us, participating in the sins of others (6).

(1) Gal. iv, 19.

(2) Ibid. ii, 20.

(3) Philippi i, 21.

(4) Ephesians iv, 13.

(5) I Timothy v, 22.

(6) Ibid.

[*Latin ed. p. 159*]

ENCYCLICAL LETTER 159: The newly ordained priests, who come from the seminary, are not exempt from the solicitudes of your zeal. We urge you, and we commend it to you from the depths of our soul, to often impress upon their hearts, which must burn with a heavenly fire, to warm them, to inflame them, so that they may aspire only to God and to the conquest of souls. As for Us, Venerable Brothers, We shall watch with the greatest care that the members of the clergy are not caught off guard by the insidious machinations of a certain new science which disguises itself with the mask of truth, and in which the fragrance of Jesus Christ is not perceived; a deceitful science which, by means of fallacious and perfidious arguments, strives to pave the way for the errors of rationalism or semi-rationalism, against which the Apostle already warned his beloved Timothy, when he wrote to him: "Guard the deposit, avoiding profane

Translated by churchlatin.ai, a product of Boyne Archives

novelties in speech, as well as the objections of a false science, whose adherents, with all their promises, have failed in the faith" (1). This is not to say that We do not deem these young priests worthy of praise, who dedicate themselves to useful studies in all branches of science, and thus prepare themselves to better defend the truth and to more victoriously refute the calumnies of the enemies of the faith. Nevertheless, We cannot conceal, and We declare it openly, that Our preferences are and will always be for those who, without neglecting ecclesiastical and secular sciences, dedicate themselves particularly to the good of souls in the exercise of the various ministries that befit a priest animated by zeal for the divine honor. It is a great sorrow and a continual pain (2) for Our heart to observe that in these days, this lamentation of Jeremiah can be applied: "The children asked for bread, and there was none given them" (3). Indeed, there are those in the clergy who, yielding to personal tastes, expend their activity on things of more apparent than real utility; while perhaps fewer are those who, following the example of Christ, take to themselves the words of the Prophet: "The Spirit of the Lord hath anointed me; he hath sent me to preach to the poor" (1).

(1) 1 Timothy 6:20.

(2) Romans 9:2.

(3) Lamentations 4:4.

[*Latin ed. p. 160*]

ENCYCLICAL LETTER: To preach the Gospel to the poor, to heal those who have broken hearts, to announce deliverance to the captives, and sight to the blind (1). And yet, it escapes no one, since man has reason and freedom as guides, that the principal means of restoring to God His dominion over souls is religious instruction. How many are hostile to Jesus Christ, detest the Church and the Gospel, more through ignorance than through malice! And of them it may be said: They blaspheme all things they do not know (2). This state of soul is observed not only among the people and within the humblest classes, whom their very condition renders more susceptible to error, but also among the higher classes, and even among those who possess, moreover, an uncommon education. From this, in many, comes the decay of faith; for it must not be admitted that it is the progress of science that stifles it, but rather ignorance; so that where ignorance is greater, there also incredulity wreaks greater havoc. For this reason, Christ gave the Apostles this precept: Go, and teach all nations (3). But for this zeal for teaching to produce the fruits that are hoped for, and to serve to form Christ in all, nothing is more effective than charity; let us impress this strongly upon our memory, Venerable Brothers; for the Lord is not in turmoil (4). In vain would one hope to attract souls to God through a zeal tinged with bitterness; to harshly reproach errors and to sharply rebuke vices often causes more harm than good. It is true that the

Translated by churchlatin.ai, a product of Boyne Archives

Apostle, exhorting Timothy, said to him: Reprove, entreat, and admonish, but he added, with all patience (5). — Nothing is more in accordance with the examples that Jesus Christ has left us. It is He who addresses us with this invitation: Come to me, all you who labor and are burdened, and I will refresh you (6). And, in His thought, these infirm and oppressed were none other than the slaves of error and sin. What gentleness,

(1) Luke, iv, 18-19.

(2) Jud. 10.

(3) Matthew, XXVIII, 19.

(4) III Kings, XIX, 11.

(5) II Timothy, iv, 2.

(6) Matthew, xi, 28.

[*Latin ed. p. 161*]

ENCYCLICAL LETTER 161. Indeed, in that Divine Master! What tenderness, what compassion for all the unhappy! His Divine Heart is admirably depicted by Isaiah in these words: "I will place My Spirit upon Him; He shall not contend, nor cry out; neither shall He break the bruised reed, nor quench the smoking flax" (1). This patient and benign charity (2) must extend even to those who are our adversaries and persecutors. They curse us, as Saint Paul proclaimed, and we bless them; they persecute us, and we endure; they blaspheme us, and we pray for them (3). Perhaps, after all, they are worse than they appear. Contact with others, prejudices, the influence of doctrines and examples, and finally, human respect, that pernicious counselor, have led them into the ranks of impiety; but at heart, their will is not as depraved as they are pleased to believe. Why should we not hope that the flame of charity will finally dispel the darkness of their souls and bring about, along with light, the peace of God? More than once, the fruit of our labor may be delayed; but charity does not tire, convinced that God measures His rewards, not by results, but by good will. However, Venerable Brothers, it is not Our intention that, in this arduous work of renewing peoples through Christ, you and your clergy remain without auxiliaries. We know that God has commended to each one the care of his neighbor (4). Therefore, it is not only those men who are vested with the priesthood, but all the faithful without exception, who must dedicate themselves to the interests of God and of souls: not, of course, each according to his own views and inclinations, but always under the direction and according to the will of the Bishops, for the right to command, to teach, to direct, belongs in the Church to no one other than you, established by the Holy Spirit to govern the Church of God (5). To associate with other Catholics in various endeavors, but always for the good of the religion, is something that has long deserved (1) Is. XLII, 1 (2) 1 Cor. XIII, 4. (5) Ibid. iv, 12 s. (4) Eccli.

Translated by churchlatin.ai, a product of Boyne Archives

XVII, 12. (6) 1 Tim. XX, 28. Acts, Vol. XXXVI, page CDXXIII, 11.

[*Latin ed. p. 162*]

162 ENCYCLICAL LETTER: With the approval and blessings of Our Predecessors, We too do not hesitate to praise so excellent a work, and We ardently desire that it spread and flourish everywhere, in cities as well as in the countryside. But at the same time, We wish that these associations have as their primary and principal objective that those who enroll in them faithfully fulfill the duties of the Christian life. In truth, it matters little to raise subtly many questions and to discuss eloquently about rights and duties, if all this does not lead to action. Action is what the present times demand; but an action that is wholeheartedly devoted to the complete and scrupulous observance of divine laws and the prescriptions of the Church, to the open and bold profession of the religion, to the exercise of charity in all its forms, without detriment to oneself or to one's earthly advantages. Brilliant examples of this kind, given by so many soldiers of Christ, will sooner shake and draw in souls, than the multitude of words and the subtlety of discussions: and, without doubt, multitudes of men, trampling underfoot human respect, freeing themselves from all prejudice and hesitation, will adhere to Christ and, in turn, promote His knowledge and love, a guarantee of true and solid happiness. Certainly, on the day when, in every city, in every town, the law of the Lord will be carefully observed, sacred things surrounded by respect, the sacraments frequented, in a word, everything that constitutes Christian life will be restored to honor, nothing will be lacking, Venerable Brothers, for us to contemplate the restoration of all things in Christ. And let it not be thought that all this pertains only to the acquisition of eternal goods; temporal interests and public prosperity will also benefit greatly from it. For, once these results are obtained, the nobles and the wealthy will know how to be just and charitable towards the poor, and these will endure, in peace and patience, the privations of their humble condition; citizens will obey, not arbitrary rule, but the laws; all will regard as a duty respect and love for those who govern, and whose power comes only from God (1). Moreover. From then on, it will be (1) Rom. XIII, 1.

[*Latin ed. p. 163*]

ENCYCLICAL LETTER 165 manifestly declares to all that the Church, as instituted by Jesus Christ, must enjoy full and complete liberty, and be subject to no human dominion; and that We, in claiming this liberty, not only safeguard the sacred rights of religion, but also provide for the common good and the security of the people: piety is useful in all things (1), and where it reigns, the people truly sit in the fullness of peace (2). May God, rich in mercy (3), hasten in His goodness this renewal of the human race in Jesus Christ: for it is not the work of him who wills, nor of him who runs,

Translated by churchlatin.ai, a product of Boyne Archives

but of the God of mercies (4). And We, Venerable Brothers, beseech Him for this grace in a spirit of humility (5), through fervent and constant prayer, supported by the merits of Jesus Christ. Let us also have recourse to the very powerful intercession of the divine Mother. And to obtain it more widely, taking advantage of this day on which We address these Letters to you, which has been instituted to solemnize the Holy Rosary, We confirm all the ordinances by which Our Predecessor consecrated the month of October to the august Virgin and prescribed in all churches the public recitation of the Rosary. We further exhort you to take as intercessors also the most pure Spouse of Mary, patron of the Catholic Church, and the Princes of the Apostles, Saints Peter and Paul. That all these things may be accomplished according to Our desires, and that all your endeavors may be crowned with success, We implore upon you, in great abundance, the gifts of divine grace. And, as a testimony of the tender charity in which We embrace you, and all the faithful entrusted to your care by divine Providence, We impart to you, Venerable Brothers, and to your clergy and your people, in God, from the depths of Our heart, the Apostolic Blessing. Given at Rome, near St. Peter, on the 4th day of October in the year 1903, in the first year of Our Pontificate. PIE X, POPE.

(1) 1 Timothy iv, 8.

(2) Isaiah xxxii, 18.

(3) Ephesians ii, 4.

(4) Romans ix, 16.

(5) Daniel iii, 39.

[*Latin ed. p. 164*]

464 ACTS OF THE ROMAN CONGREGATIONS FROM THE SACRED CONGREGATIONS AND THE UNIVERSAL INQUISITION: DOUBTS regarding cautions to be demanded, etc., in mixed marriages.

Most Blessed Father, Satisfaction has been given regarding the cautions demanded by the Church concerning the conditions fulfilled up to this day. However, a great difficulty arises in obtaining these cautions when a Catholic woman intends to enter into marriage with a non-Catholic military man of at least a higher rank. Indeed, in the region of N..., the royal decree is in force, imposing severe penalties prohibiting military personnel from providing any cautions, whether by means of letters of exchange, or by oath, or by a simple promise. Therefore, the Ordinary of N... has presented a request to the feet of Your Holiness, seeking a clear direction in these cases, and specifically asks:

I. Whether a dispensation from the impediment of mixed religion can be granted, if the non-Catholic party, whatever it may be, refuses in every way to provide the required cautions, whether by means of letters of exchange, or by oath, or by a simple promise?

Translated by churchlatin.ai, a product of Boyne Archives

II. Whether the assertion given under oath by the Catholic party, that the non-Catholic party has assured them of fulfilling the cautions, is sufficient?

III. Whether it can be permitted that, before or after the marriage, the Catholic party may also appear before the non-Catholic magistrate to give their consent to the marriage, if the Catholic party has declared in writing that they will act merely passively and in no way wish to adhere to any Protestant rite?

And God... Thursday, December 10, 1902. In the general Congregation of the Sacred Roman and Universal Inquisition, the Eminent and Reverend DD. Cardinals in matters of faith and morals.

[*Latin ed. p. 165*]

FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION, 165. The General Inquisitors, having considered the aforementioned questions, and after receiving the opinion of the Most Reverend Consultors, decreed as follows: To I. Negatively, and the Instruction of November 15, 1858, is to be given (1). To II. In themselves and generally, negatively; and with the understanding that, if in any extraordinary case such circumstances should concur as to allow the bishop to obtain moral certainty both regarding the sincerity of such guarantees in the present, and regarding their fulfillment in the future, and if special reasons entirely prevent the usual guarantees from being given, then, through his own conscience and prudence, he may proceed accordingly. Otherwise, notwithstanding the royal decree, suitable written guarantees shall be presented, as has been done up to now; and no dispensation shall be granted unless the bishop is morally certain that they will be fulfilled. To III. Negatively, and the Instruction of February 17, 1864, is to be given (2). On Thursday, December 12, 1902. The Reverend Father, the Assessor, S. O., having reported on all of these matters to His Holiness, Pope Leo XIII, the same Most Holy Father approved the resolution of the Emminent Fathers. CAN. MANCINI, Notary of the Sacred Roman and Universal Inquisition. QUESTIONS concerning jurisdiction in matrimonial cases. The Ordinary of Cologne, humbly prostrate at the feet of the Holy See, proposes the following questions for consideration: I. Whether, in all matrimonial cases in which the validity of the marriage is in question, the forum of the domicile of the husband, in addition to the forum of the contract and the forum of the connection or continence, is to be considered sufficient; and, if affirmative: II. Whether any order should be observed, so that, among the Ordinaries to whom it is permissible to proceed by reason of the contract or the continence, the Bishop should be competent and should be obliged to conduct the proceedings in the diocese where the husband has his domicile. (1) Cf.

Translated by churchlatin.ai, a product of Boyne Archives

Vol. VI, p. 456. (2) Cf. Vol. XVI, p. 207.

[*Latin ed. p. 166*]

From the Sacred Congregation of the Holy Office, on the third day of the fourth week, June 23, 1903. In the General Congregation of the Sacred Roman and Universal Inquisition, after mature deliberation, and with the vote of the Most Reverend Fathers, the Most Eminent and Reverend Cardinals, Inquisitors General in matters of faith and morals, decreed: To adhere to the Instruction for the United States of America, published in the year 1883 (1), and to the Decree of the Sacred Office of 1891, extended to the dioceses of the Kingdom of Prussia, and to the response to point 1 in the Decree of the Sacred Office, issued on the fourth day of the fifth week, June 30, 1892, which reads as follows: "Spouses in cases of mixed marriages are subject to the Bishop in whose diocese the Catholic party has their domicile; and when both are Catholics, because the heretical party has returned to the Church, they are subject to the Bishop in whose diocese the husband has his domicile." (2) However, when it is a question of a mixed marriage to be contracted with a heretic who has been separated from the heretical party by a sentence of a civil tribunal, it is the Bishop of the domicile of the Catholic party to whom it pertains to judge whether the contracting parties enjoy the status of freedom. On the following day, the sixth day, June 26 of the same month and year, the Most Holy Lord Pope Leo XIII, through the authority granted to the Most Reverend Cardinal Secretary, approved the resolutions of the Most Eminent Fathers. I. Can. MANCINI, Notary of the Sacred Roman and Universal Inquisition.

(1) This celebrated Instruction was published by the Sacred Congregation for the Propagation of the Faith, and it can be found in the Acts of the Holy See, volume XVIII, page 369. Of particular relevance to our matter is § 2 of the first part, which reads as follows: "Spouses in matrimonial causes are subject to the Bishop in whose diocese the husband has his domicile. An exception is made if the conjugal life has been either interrupted by separation from bed and board, or by the malicious abandonment of the husband. In the former case, either party must exercise the right to accuse the other before the Bishop of the diocese where the domicile is located. In the latter case, the wife may bring an action before the Bishop within whose diocese her domicile is located. After the judicial citation has been served, any change in the domicile of the spouses does not affect the competent judge." Therefore, the general rule is that in matrimonial causes, the Bishop of the place where the husband has his domicile is competent; all other cases are to be considered as exceptions to this general rule.

(2) The complete decree is found in volume XXVI, page 753.

[*Latin ed. p. 167*]

FROM THE DECREE 167 OF THE SACRED CONGREGATION OF THE

Translated by churchlatin.ai, a product of Boyne Archives

HOLY OFFICE AND THE INQUISITION. Titular Abbots cannot confer the tonsure and minor orders. Most Blessed Father, the Archbishop N. N., having prostrated himself before Your Holiness, presents the following: A certain Prior of the Order of Cîteaux, a Titular Abbot, conferred the tonsure and minor orders upon a brother residing in his monastery, having obtained, in this case, a suitable delegation from the Archbishop. Now, however, it has become known to him that a Titular Abbot cannot enjoy the aforementioned faculty, and therefore he implores a benign remedy. On Thursday, July 15, 1903. In the General Congregation of the Holy Roman Church and the Inquisition, after mature deliberation on the aforementioned supplication, having considered all the relevant aspects of both law and fact, and with the prior vote of the Most Reverend Fathers, the Eminent and Reverend Cardinals, Inquisitors General for matters of faith and morals, decreed: That the Ordination in this case must be repeated entirely, beginning with the conferral of the sacred Tonsure. On the same day, the Most Holy Pope Leo XIII, through the faculties of the Eminent Secretary, approved the resolutions of the Eminent Fathers. I. CAN. MANCINI, Notary of the Holy Roman Church and the Inquisition.

[*Latin ed. p. 168*]

168 FROM THE HOLY CONGREGATION OF THE COUNCIL OF CAUSES, IN VOLUME I, BAMBERG. DISPENSATION FOR MARRIAGE, dated June 13, 1903. Session 24, chapter 5, Concerning impediments to marriage. Facts of the case: On December 3, 1894, Arma and Georgius N. N., cousins, having previously obtained an Apostolic dispensation from the impediment of the second degree of consanguinity, entered into marriage in due form; but with a most unfortunate outcome. Indeed, Anne, who, as is asserted, at that time was carrying a child conceived through relations with a certain adulterer, married Georgius not out of affection for him, but at the urging of her father and sisters, who sought to avert the imminent disgrace to the family through this marriage. Moreover, the woman, as is reported, after entering into marriage with Georgius, did not cease her adulterous relations with her lover; and she steadfastly refused to live with Georgius, both because she was horrified at the thought of having relations with a relative, and because she felt no love for her husband, but rather an insurmountable aversion. Both spouses affirm, under oath, that the marriage was not consummated. Given these circumstances, conjugal life could not be peaceful, and the aversion of the two parties grew so strong that their cohabitation became entirely intolerable and impossible. Therefore, Anne, on October 27, 1895, peti-

[*Latin ed. p. 169*]

BAMBERG. One hundred and sixty-nine days elapsed, and he again urged her to seek recourse from a competent authority for the disso-

Translated by churchlatin.ai, a product of Boyne Archives

lution of their marriage; and as George learned the following day, she repeated the same petition. The parish priest presented these pleas to the Archiepiscopal Curia of Bamberg, which advised: "First, they must proceed before a civil judge; then, their case will be considered according to ecclesiastical laws." The spouses complied with this mandate, and, having obtained a judgment of divorce from the civil court due to an insufferable aversion between them, they again appeared before the parish priest, requesting that the ecclesiastical authority also deign to dissolve the marriage. However, the Curia of Bamberg, having been informed by the parish priest of such a judgment from the civil court, presented the spouses' pleas to the Most Holy Congregation. These were received with benevolence, and a rescript was sent from the Holy Congregation to the Archbishop of Bamberg, stating: "Let a process be completed concerning the non-consummation and the causes for a dispensation from marriage, observing the form of the Constitution 'Dei Miseratione' of Benedict XIV, and the Instruction of this Holy Congregation of the year 1840, with the faculty also of delegating, observing all that is necessary, for the examination of the parties and witnesses who reside outside the diocese." The Consistory of Bamberg sent the completed process to Rome; but since it was very deficient both in legal form and in the weight of reasons, therefore, the Eminent Fathers, having heard the defender of the marriage, by office within the same Holy Congregation, ordered that the Archbishop of Bamberg be written to, instructing him to complete the acts of the process according to the attached instruction of the aforementioned defender of the marriage, by office. Therefore, obeying the orders of the Eminent Fathers, the Curia of Bamberg more carefully completed the process according to the course of law, heard the spouses, as well as witnesses brought forward by both sides, and thus sent the supplementary acts of the process to the Holy Congregation. Therefore, today, a doubt is presented to the wise judgment of the Eminent Fathers: Whether recourse should be had to the Most Holy Congregation for a dispensation concerning a marriage that is valid but not consummated, in this case?

[*Latin ed. p. 170*]

170 FROM THE HOLY GENERAL COUNCIL. The Canonists, Consultors, having considered, with respect to the nature of the facts and the course of the investigation, whether it can be established with certain and undoubted arguments that the marriage in question was not consummated, state that the arguments of this kind, as taught by Peter Gasparri (Tractatus de canonicis matris, n. 1066, edition altera), are found in the following cases: 1. "If the spouses were unable to perform the marital act, either because they were never, or not for a sufficient time, alone together after the marriage, or because of the husband's impotence..." 2. "If it is established that the woman's virginity remains..." 3. "If such

Translated by churchlatin.ai, a product of Boyne Archives

indications and circumstances concur that, when considered together, they establish, for a prudent judge, a moral certainty that the marriage was not consummated, even if the woman is not a virgin, because, for example, she was a *vidua* [Culmore], or had been known to another man, nor does the husband suffer from certain impotence."

Indeed, the first type of argument is entirely irrelevant to the matter, because it is established from the records that the spouses cohabited together under the same roof for a sufficiently long time, and there is no evidence, not even a suspicion, of the husband's impotence. Furthermore, the argument, and a very strong one, for the non-consummation of the marriage, derived from the examination of the woman's body, by which the physical signs of unbroken virginity are certainly demonstrated, is absent in this case; for we are dealing with a woman who is not a virgin. Therefore, the *Curia Bambergensis* [Bamberg] rightly refrained from prescribing a physical examination, as it would be superfluous, and therefore illicit.

Therefore, it remains to be investigated whether such indications and supporting evidence concur in this case that, when considered together, they establish a moral certainty of the non-consummation of the marriage. Moreover, the confession of both spouses and the testimonies of witnesses, whom they call, are of little value.

[*Latin ed. p. 171*]

BAMBERG. 171, in order to prove the validity and ensure the completion of the marriage. Indeed, if one of the parties holds a belief contrary to the other's confession, the marriage is not considered consummated, because the wife refused to fulfill her duty to her husband, due to an insurmountable horror, both of the act of copulation and of all future companionship with the man; and from the wife's behavior towards her husband, the husband conceived a profound horror of living with her. However, this assertion seems to be somewhat weakened by the long-standing cohabitation of the couple. For, the civil judge issued a decree of divorce on March 23, 1896, according to the testimony of the parish priest, or on the 14th of the same month, according to a petition submitted. However, the Bamberg Consistory, on June 3, 1896, decreed: "In order that George and Anne may be able to live in peace of conscience, we grant them a separation from bed and board until the marriage is dissolved with the permission of the Holy See." It is true that the couple cohabited, not only until May 1895, as was indicated in the petitions submitted to the Most Reverend, but also until October 1, 1896, according to the testimony of the parish priest, which is supported by seven witnesses, who appear to be well-informed about this matter. Furthermore, if the wife was so deeply affected by horror, not only of the act of carnal copulation with her husband, but also of all future companionship with him, and if Anne herself "felt an insurmountable aversion against her husband on the very day of the copulation, and continues to feel

Translated by churchlatin.ai, a product of Boyne Archives

it to this day, October 27, 1895," as she declared before the parish priest; and if, from the wife's behavior, George conceived such a strong and profound horror of leading a common life with her, then why did the couple continue to cohabit for so long, and why did they prolong the cohabitation for almost four months after the ecclesiastical authority had granted them the power to institute a separation from bed and board, in order that they might live in peace of conscience? Certainly, in such circumstances, it is not common for couples who harbor such aversion and such horror for each other, and therefore, if, according to commonly occurring circumstances, the...

[*Latin ed. p. 172*]

^72 EX S C * "Concerning the present matter, it must be considered that the established custom of the spouses' life, lasting for so long, certainly diminishes the force of their testimony when they are called to give evidence; all the more so because the veracity of a woman is somewhat changeable, since she is not commended for probity; and the husband himself, who desires to enter into another marriage, is prepared to be joined to another woman by civil contract, unless the present marriage is dissolved by the Holy See. The testimonies of all the witnesses favor the parties' confession regarding the lack of consummation of the marriage and regarding the cause of said lack of consummation. However, many of the witnesses brought forward by both sides appear to be poorly informed about the conjugal life of the parties, and they become more certain both about the lack of consummation of the marriage and about the cause of the lack of consummation, either by one party or another, or by the remaining three witnesses. Furthermore, it is not sufficiently clear at what time, whether suspected or not, these witnesses became more certain about what they are testifying. Moreover, four witnesses from the woman's side, examined by the Archiepiscopal Court of Monchen-Frising, do not appear to be entirely free from suspicion of favoring one side, for they seem to be moved by a certain compassion for George and desire the marriage to be dissolved. Indeed, three other witnesses, who remain, confirm the confession of the spouses, and provide a suitable explanation based on their own knowledge; but their testimonies, insofar as they are based on their own observations, do not seem to cover the entire period elapsed from the marriage contract to the separation of the parties. From the beginning of the marriage until the separation of the spouses, almost two years have passed, since the marriage was contracted on December 3, 1894, and the spouses abandoned their individual way of life on October 1, 1896. The witnesses do not testify as to what the spouses did or what kind of life they led during almost a full year after the marriage; therefore, they do not provide a certain reason for the lack of consummation of the marriage, namely, the wife's perpetual alienation of her affections from her husband, nor, indeed, the lack of consummation

Translated by churchlatin.ai, a product of Boyne Archives

itself, nor, from all the acts, is a certain conclusion reached."

[*Latin ed. p. 173*]

BAMBERG. 175. It is permissible as long as the parties have lived together in the same house. Given these circumstances, the Consultor, after considering the matter, deemed that further examination of the issue was unnecessary, and concluded that the following should be answered: From the facts presented, it is not sufficiently established that the marriage was not consummated; or, at the very least: The proceedings should be completed. The Opinion of the Theologian. The Theologian Consultor, having noted the facts of the case and certain aspects of the proceedings, inquires into the merits of the cause itself. First, he maintains that the marriage in question is valid. For although Anne did not seek George out of her own volition or out of love for him, she freely accepted the advice of her relatives, who, in order to protect the family's reputation, proposed this marriage. Nor can any fear or reverence be attributed to Anne, since her sister only urged her to marry, and no threatening words were used, nor were any serious damages intended, but only prayers, albeit somewhat insistent, to which Anne yielded, although she could not overcome her aversion to George. Therefore, in response to the judge's question, whether she intended to enter into a true marriage with George, she replied: "I intended to enter into a true marriage with George." Furthermore, a valid dispensation was obtained from the second degree of consanguinity, and therefore the marriage itself is valid, even though the circumstances of the pregnancy were not mentioned in the petitions; firstly, because this pregnancy did not introduce a new impediment, since it was not caused by an affine or a consanguineous; and secondly, because it appears that the omission was made in good faith, not through fraud. Indeed, if the pregnancy of the woman to be married had been expressed in the petitions, perhaps the grant of grace would have been obtained more easily. Therefore, given the validity of this marriage, it remains to be considered whether it was consummated carnally. Both spouses, testifying truthfully, maintain that it was not consummated. George, in the first place,

[*Latin ed. p. 174*]

The aforementioned [person], in his examination, confesses that the marriage was never consummated through carnal intercourse; and he attributes this to the wife's lack of repentance, who always refused to fulfill her conjugal duties. He adds, "At the beginning of our marriage, I had no hatred for my wife, but only later, due to her manner of living, did a profound horror arise in me concerning her." He repeats these same words in another examination, and also states other things, by which he more clearly confirms the lack of consummation of the marriage. Indeed, he urges the dissolution of the marriage, alleging this reason:

Translated by churchlatin.ai, a product of Boyne Archives

"The marriage is impossible, because Anna, even before our marriage, had loved another, and she did so during the marriage; nor did she give me signs of familiarity and affection at the time of our betrothal, etc." The wife, Anne, remarkably agrees with her husband, George, regarding the lack of consummation of the marriage: "It is valid," she says in the first examination, "and the true marriage was never consummated between me and my brother-in-law, George, either through carnal intercourse. I always denied carnal intercourse, and this was due to an insuperable horror, both concerning carnal intercourse with George, and concerning all aspects of living together with him. This horror truly exists, and it is insurmountable for me." But Anne speaks more fully about these matters in another examination: "I desire," she says, "the dissolution of my marriage, because I have never loved my husband, nor have I been able to love him, and because my husband, after our separation, has already taken another wife civilly, and intends to do so before the Church." Furthermore, she confirms that she had this aversion towards George even at the time of their betrothal, when she had already been captivated by love for another, and when she promised herself to George largely, or almost entirely, due to the constant prayers of her sister and father. From all of these depositions of the spouses, the theologian argues, it is clearly evident that the marriage was not consummated; indeed, a profound aversion existed between the spouses, in place of love. And this aversion, which already existed at the beginning of the marriage, only increased with time, so that as long as they maintained the outward appearance of living together, Anne never had intercourse with her husband.

[*Latin ed. p. 175*]

BAMBERG. She exhibited a most unloving disposition, never offering even the slightest sign of affection or conjugal kindness, but constantly inspiring dread both in her husband and in George himself. Furthermore, the natural disposition of a woman is such that she will never yield the favors of her body to a man she does not love; much less so, if she has already been captivated by other affections, and feels an insurmountable aversion towards her husband. The confessors of consciences often find that wives of this sort are exceedingly cold towards their husbands, and frequently deny them the conjugal act, which they, however, readily grant to others. But this argument, which everyone experiences, is somewhat weakened by the long cohabitation of the spouses, which certainly does not seem to be compatible with such intense aversion on the part of the spouses. However, it must be noted that good George, seeing his wife so alienated and often absent, did not reproach her, and completely neglected her. Moreover, after George learned that Anne had returned to her former lover, he ceased, as is evident from the confessions of both spouses, to demand his marital rights, and slept in a separate room; and this, as everyone can see, strengthens the

Translated by churchlatin.ai, a product of Boyne Archives

argument of their lack of consummation. Therefore, it seems reasonable to reconcile the aversion of the spouses with their long cohabitation, without, however, concluding that they have not performed the conjugal act. The concordant confessions of the spouses are such that they can support the idea of the lack of consummation of the marriage; but it will not be irrelevant here to investigate how much weight should be given to their testimony in this matter, that is, how much truth should be attributed to them? Indeed, the spouses are not highly commended for their religiousness and moral probity, which are the foundations of truthfulness. For the man, besides the fact that before the marriage with Anne, he had already been civilly married to a Lutheran woman, now contemplates committing the sin of impiety, namely, of separating himself from the Catholic Church with his children, and of turning to the nefarious sect of the Lutherans, if the marriage contracted by the authority of the Church is not dissolved. As for Anne,

[*Latin ed. p. 176*]

176. From the shameful and grievous adulteries, both before and after marriage, which have already been admitted, a new and scandalous act has been added: namely, the attention of a civil marriage. Therefore, those who commit such things do not seem to deserve faith, since those who have shaken off the yoke of the divine law can certainly also lie under oath. However, despite this, all the witnesses, with a unanimous voice, absolve them from the crime of perjury, and commend their probity and piety. Furthermore, they attribute religiosity and truthfulness to them: 1°. The Parochial Priest of Nuremberg, who testifies about both spouses: "In my judgment, the testimonies of George and Anne are the most truthful, for they have always been and are religious; considering all things, it is most convincing to me that there is no collusion between the spouses"; 2°. The Official of the Court of Munich specifically testifies about Anne, that she appears to be a modest person, but not of great intelligence, rather dull and indolent; 3°. Another Parochial Priest of Nuremberg excuses George from the error of impiety: "It came to his mind to turn to Protestantism only because he could not persevere in the existing state, since for four years he had not been able to be restored by the sacrament of confession and the Holy Communion; it seemed better to him to become a Protestant, than to be unable to practice any religion at all." Then he gives testimony about his religiosity, asserting: "George is a truly religious man, who contracted a civil marriage only for the reason that he was enraged by the delay in the dissolution of the marriage, and because he was in great need of his wife to manage the inn, and therefore he was compelled by necessity." From all of this, it is deduced, the Theologian concludes, that the spouses truly deserve faith, and therefore they should be believed, as long as they confirm with an oath that the marriage was not consummated carnal copula. The sev-

Translated by churchlatin.ai, a product of Boyne Archives

enth document, which was examined in both proceedings, consists of sixteen witnesses, of whom only two presented authentic testimony about the probity and truthfulness of the spouses, while a great silence is observed regarding the others in the records. The cause of this omission seems to be partly due to the negligence of the Parochial Priest of Nuremberg.

[*Latin ed. p. 177*]

BAMBERG. In the year 177, those who demanded the aforementioned testimony, as ordered by the Consistory of Bamberg, did not fully comply, concerning all the witnesses presented by George. This was partly due to the judge's negligence, who did not even request testimony regarding the seventh witness, nor concerning the four witnesses initially dismissed in the supplementary process. Furthermore, although, according to the laws, this testimony is not considered suitable, nevertheless, any denial of authority or veracity to these witnesses would be unjust. Certainly, among the witnesses, there are two Jews, and against these, nor against any other Catholic witnesses, there is no positive argument that proves them to be untruthful. Moreover, the witnesses are, in fact, highly commended, precisely because there appears to be absolutely no collusion among themselves. However, among them, it is observed that four witnesses are relatives of the plaintiffs, and seem to be guided by a partisan interest; but their statements, whether from the first or second examination, do not imply collusion, since they were given for the sake of religion. Therefore, it appears beyond any doubt that the witnesses did not conspire with each other, nor with the parties involved. These sixteen witnesses attest primarily that the plaintiffs are religious and entirely worthy of faith, and that what they testified in the examination is true. However, four witnesses on the part of the husband express suspicion regarding the religiosity of Anne, and because they do not know her well enough, they prudently refrain from rendering judgment concerning her worthiness of faith. In response to the judge's question as to whether they knew the spouses, three replied that they knew them from shortly before the marriage, while the others have known them since childhood or for a long time. Regarding a specific question posed to them in the second process, as to whether they had observed any customary interactions between the betrothed at the time of the engagement; five witnesses on the part of the husband replied that they knew nothing about this matter; the others replied that Anne was very reluctant to marry George, and that at the time of the engagement, she showed no or very little sign of affection: which is entirely consistent with the testimonies of the plaintiffs. The seventh witness also, in a remarkable way, supports the testimonies of the spouses regarding the lack of consummation of the marriage, as is

Translated by churchlatin.ai, a product of Boyne Archives

evident from the records, Volume XXXVI, page CDXXIII.

[*Latin ed. p. 178*]

178 FROM the proceedings of the Council. For it was inquired: "Have the spouses given each other external signs of love?" Four witnesses answered that they knew nothing about this matter; the remaining eight said: "They have never given each other external signs of love." To another inquiry: "For how long did the spouses live in the same house?" Five witnesses answered that they knew nothing about this matter; the remaining eight confessed that the spouses lived together in the same house for approximately one year. Furthermore, all the witnesses, with a unanimous voice, testified that the marriage was never consummated, that Anne always refused the act, due to an insuperable aversion towards George, and that George attributed the cause of the lack of consummation to his wife. They repeat the cause of this refusal, stating that Anne never loved her husband George, and that Anne, after the marriage, adhered to her attachment. These same witnesses explain more clearly, while confirming that Anne's aversion was truly existent, not feigned, and that George perceived this from the behavior of his wife, who, even during the marriage, continued to adhere to her attachment, receiving and returning the visits and gifts of that person. Furthermore, five witnesses testify from their own knowledge; seven other witnesses have revealed the knowledge of their testimonies, both from the spouses themselves and from the witnesses themselves. However, it must be admitted that some of these, being somewhat uneducated, are ignorant of the intimate marital life of the spouses, and do not clearly state the time at which they acquired knowledge of the things they are recounting, especially with regard to the alienation of affections. It should also be noted that all the witnesses remarkably disagree regarding the time during which the spouses lived together; while some say that it was for approximately one year, others claim it was for almost two years, and according to the submitted document, they separated from each other in May 1895, and therefore lived together for half a year. But whatever may be the case with these conflicting opinions, which are very difficult to reconcile, it nevertheless follows that, even with a nearly two-year cohabitation, this was not peaceful, nor that they fulfilled their conjugal duties.

[*Latin ed. p. 179*]

BAMBERG. 179 souls. For indeed, they lived under the same roof, but in separate rooms; hence, they were united only in appearance, but not in spirit. Furthermore, if any doubt still remains, it may perhaps be dispelled by these things which the same witnesses add in a second examination. For the witnesses, again examined in a second examination, having acquired, at a suitable time, certain knowledge, declare more and more that the alienation of the spouses, which was the cause of the lack of con-

Translated by churchlatin.ai, a product of Boyne Archives

summation, has persisted without interruption from the beginning of the marriage until the present time. These twelve aforementioned witnesses are wonderfully corroborated by four witnesses newly brought forward by the spouses to testify in the second examination, both with regard to the dignity and veracity of the parties, and with regard to the absence of signs of love and familiarity, and with regard to the lack of consummation of the marriage and its cause. Therefore, the Consultor concludes, after considering all the testimonies, both of the advocates and of the witnesses, it can be established with moral certainty: that the marriage in this case was not consummated. Finally, the Consultor argues that in this case there are just and grave reasons, which Theologians and Canonists rightly demand, for requesting a dispensation from the Most Holy Congregation. These are: 1. The evident aversion of the spouses is clearly proven, and there is no hope of reconciliation, as demonstrated especially by the present and useless admonitions of the Parish Priest; 2. A civil marriage has already been contracted by both spouses for a long time, as well as the legitimization of children; 3. An imminent and certain danger exists on the part of the husband and his children of apostatizing from the Catholic faith; 4. The reparation of the scandal already caused, and the avoidance of a still more serious scandal that is justly feared; 5. The mercy that George deserves, having been gravely deceived by his wife. In addition to these, there is the petition of the Archbishop of Bamberg, who, transmitting the supplementary acts of the process to the Most Holy Congregation, deemed it necessary to also indicate the following: "I pray and beseech the Holy Congregation, that the marriage... "

[*Latin ed. p. 180*]

180 FROM THE DECREE OF THE HOLY COUNCIL of George and Anne, it is fitting that they be granted a dispensation by the Holy Father. The reasons that move me are the following: 1. It seems reasonable to me that there is no doubt that the marriage, of which we are speaking, was not consummated; 2. It is certain that an insurmountable aversion exists between the spouses, and that reconciliation between them cannot be hoped for; 3. George, having been legally divorced by a civil judge, was, as he says, compelled by necessity to take another wife civilly, due to his condition as an innkeeper; 4. In order to remove the scandal that has arisen among Catholics in Nuremberg from this situation, it seems necessary to grant George a divorce from Anne; 5. The woman whom George legally married is a Lutheran, but she has stipulated that all of the children will be educated in the Catholic religion by a public instrument, so that this union, after George's marriage to Anne is dissolved, may be solemnized before the Church. If, however, the dissolution of George's marriage to Anne were to be denied or postponed by an Apostolic dispensation, there would be reason to fear that George and all of his children would turn

Translated by churchlatin.ai, a product of Boyne Archives

to Protestantism." Having considered all of these things, the Consultor Theologus concludes: "Since it is morally certain that the marriage was not consummated in this case, it is necessary to petition the Holy Father that He would deign to grant a dispensation concerning the marriage that is valid but not consummated. Observations of the Defender of the Bond, by office. The Defender of the Bond first notes that, while the previous Consultor Canonist had come to this conclusion contrary to the wishes of the spouses: "From what has been presented, it does not sufficiently appear that the marriage was not consummated, or at the very least: The acts of the process must be completed"; the other Consultor Theologus descends to this opinion: "Since it is morally certain that the marriage was not consummated in this case, it is necessary to petition the Holy Father that He would deign to grant a dispensation concerning the marriage that is valid but not consummated. Then, having omitted the reasons required for a dispensation, the Defender of the Bond observes the inconsummation of the marriage.

[*Latin ed. p. 181*]

BAMBERGEN. 181. Ut legitiimae dispensationi fiat locus, certum constare debere; sed in casu, non satis probatum apparere. Verumtamen argumentum hoc in quaestione apodicticum, scilicet depromptum ex mulieris virginitate vel viri praevia impotentia, nullimode nec habetur nec haberi potest. Restat ergo, ut aliis argumentis, praesumptionibus, adminiculis, indiciis, res ita conficiatur, ut prudenter in contrarium ambigere nequeamus. Iamvero in casu hoc, quae haberi et concurrere, quomodo tuto affirmare valeamus? Argumentum, in quo multum confidet novus Consultor, est confessio coniugum. Verumtamen haec confessio in casu non multum attendenda videtur, propter malos mores utriusque coniugis. Nam sponsa ex illicitis amplexibus prolem genuit, et vir non solum alias nuptias ritu civili attentavit, sed et consilium pandidit ad lutheranam sectam transeundi. Esto consilium hoc nondum, parochi industria, implevisse, sed certo certius parum fidendum videtur in viro, in quo morum improbitatem sociat tanta in fide imbecillitas! Quin ei multum caeteroquin suffragentur utrique coniugi laudes parochi et aliaeque, quas recenset novus Consultor, nam huiusmodi laudes parum esse attendendas iubent adiuncta notissima in casu concurrentia. Accedit utriusque coniugis in casu dubiam videri fidem etiam ex eo quod uterque, ut in propatulo est, magnum interesse in coniugii dissolutione habeant, quum uterque libertatem exinde sperent. Nec silendum magnam consummationis suspicionem, imo dicam praesumptionem, haberi in eo, quod de facto sponsi diu noctuque cohabitaverint. Unde, vel omissis difficultatibus, quae ex testimonio septimae manus obiici possunt, uti ex voto novi Consultoris satis liquet, prudentiae congruius videtur preces oratorum, utpote non plenis argumentis suffultas, dimittere. Quare etc. Quibus omnibus praehabitis, Emorum Patrum est, quo solent

Translated by churchlatin.ai, a product of Boyne Archives

sapienti iudicio, decernere quomodo dimittendum sit:

[*Latin ed. p. 182*]

182 FROM THE SACRED CONGREGATION. A Doubt: Whether, in a marriage validly contracted but not consummated, it is permissible to grant a dispensation. The Most Reverend Fathers, assembled in the General Council, on the 13th of June, 1903, responded: Affirmative. After a report was made to His Holiness Pope Leo XIII by the Most Reverend Cardinal Prefect of the Sacred Congregation of Councils, in an audience on the 16th of the same month and year, His Holiness deigned to approve the aforementioned resolution and to grant the grace of dispensation concerning the marriage validly contracted but not consummated, of which mention is made. FROM THE SACRED CONGREGATION FOR RITES, SEGUSIENSIS. DECREE concerning the confirmation of the cult of Saint Justus, Bishop and Martyr, Principal Patron of the city and diocese of Segusia. With particular religious devotion and piety, the clergy and the people of the diocese of Segusia have, from time immemorial, venerated Justus, the bishop and martyr, as the titular of the Cathedral Church and as the patron of the entire diocese, whom, at the beginning of the tenth century, the Saracen hordes, having invaded the valley of Segusia after having devastated the Novalicense monastery and the town of Ulcia, cruelly murdered, along with his companion Flavius, as they emerged from the cave in the mountains where they had taken refuge. In order that the memory of so great a crime and of these martyrs of Christ might be preserved, the bodies of Justus, Flavius, and the other martyrs were thrown into a deep well, and then...

[*Latin ed. p. 183*]

From the Sacred Rituals, section 183, a great number of stones were hidden away. However, with God's favor, a few years later, devoted faithful sought and found them near the basilica of San Lorenzo, and because of the multitude of martyrs there, it is now called the "Plebe of Martyrs," and they are venerated in a chapel, and later in a monastery, in honor of the Saints Justus, Flavius, and their ninety companions. Meanwhile, the cult of these holy martyrs spread throughout the valley of Segusina and in other Piedmontese regions, especially for Saint Justus, due to the new temple with a monastery built in Segusio in the year 1027, into which the relics of the same martyr and titular saint were solemnly transferred with great pomp and a large gathering of the people. With the faithful's devotion continuing and increasing, it was reported that the feast day with the Office and Mass of the common of a single martyr, to be celebrated in October, had been granted by the Apostolic See to several Piedmontese dioceses; and it is inscribed in the Calendar and Proper of Segusio: "Saint Justus, Patron of the entire diocese." With numerous monuments of ancient ven-

Translated by churchlatin.ai, a product of Boyne Archives

eration and these Apostolic Indulgences, the Reverend Bishop of Segusio, Edward Joseph Rosaz, greatly desiring that the feast of the patron of his diocese be given two nocturns in the Office, and observing the proper order, requested and obtained, through a decree of the Congregation of Sacred Rituals of December 22, 1902, that a doubt regarding a case excepted from the decrees of Pope Urban be proposed and discussed in the Ordinary meetings of the same Sacred Congregation, without a prior formal process, but only with the necessary documents presented in authentic form. With all of this duly presented, and with the Reverend Bishop, along with the Chapter of the Cathedral Church, and the priests and clergy of the entire diocese of Segusio, the Most Eminent and Reverend Cardinal Dominic Ferrata, as the Proponent or Relator in the Ordinary meeting of the Congregation of Sacred Rituals, convened at the Vatican, proposed the following doubt to be discussed: Does this case fall under an exception from the decrees of His Holiness Pope Urban VIII regarding the matter in question? And the Eminent and Reverend Fathers, Prefects of the Sacred Rituals, after hearing the voice and written statement of the Reverend Father Alexander Verde, Promoter of the Holy Office, having carefully considered everything, decided to respond: Affirmative, or it does constitute a case of exception. September 1, 1903. All of this was presented to the Most Holy Pope Pius X by the undersigned Secretary of the Congregation of Sacred Rituals.

[*Latin ed. p. 184*]

184 FROM the Sacred Congregation of Rites, having related the matter, His Holiness approved and confirmed the Decree of the aforementioned Sacred Congregation; on the 7th day of the same month and year. SERAPHINUS CARD. CRETONI, Prefect. L. * S. f. DIOMEDES PANICI, Archbishop of Laodicea, Secretary. CHÂLONS. A QUESTION regarding the prayers after the private Mass, prescribed by Pope Leo XIII. The Reverend Lord Michael Andreas, Bishop of Châlons, humbly requested a solution to the following doubt from the Sacred Congregation of Rites: Namely, whether the prayers after the Mass, prescribed by the Supreme Pontiff Leo XIII, are still to be recited, even after his death? And the Sacred Congregation itself, after considering the matter with the aforementioned Secretary, and after hearing the opinion of the Liturgical Commission and after mature deliberation, decided to respond: Affirmative. And thus it responded; on September 11, 1903. MARIUS CARD. MOCENNI L. * S. f. D. PANICI, Archbishop of Laodicea, Secretary. (1) Regarding the prescribed prayers after the Mass, the decrees of the Sacred Congregation of Rites are to be noted; namely: n. 3637 Aretina, June 18, 1885, concerning sections VII and VIII; n. 3682 Basileia, November 5, 1887; n. 3805 Portus Sancti Ludovici, June 23, 1893; n. 3855 Macao, May 10, 1895, concerning sections V and VII; and n.

Translated by churchlatin.ai, a product of Boyne Archives

3936 Agrigento, December 11, 1896, concerning section I.

[*Latin ed. p. 185*]

185 From the Congregation for Indulgences and Sacred Relics of the City and the World, a Decree by which the Indulgences attached to the recitation of the Little Office of the Blessed Virgin Mary are extended to its vernacular private recitation. Although the Sacred Congregation for Indulgences and Sacred Relics, in a document dated September 13, 1888, expressly decreed that it was not permissible to extend the Indulgences to the recitation of the Little Office of the Blessed Virgin Mary translated into any vernacular language, nevertheless, this same Sacred Congregation more urgently requested that it be pleased to grant this extension of the Indulgences, primarily for the following reasons: that in this our age, many are entirely ignorant of the Latin language, and that the use of reciting this Office in the vernacular has already become widespread in many regions of the Catholic world, and it would be very difficult to dissuade the faithful from this practice. Therefore, this Sacred Congregation considered it necessary to re-examine the following proposal: "Notwithstanding the Decree in the document dated September 13, 1888, is it permissible to extend to those who recite the Little Office of the Blessed Virgin Mary, as it appears at the end of the Roman Breviary, the Indulgences granted by the Holy Father to the faithful, even if they have recited the same Office translated into another language, with the prior recognition and approval of the Ordinary of the place where the vernacular language is spoken?" And the Fathers assembled at the Vatican responded on August 18, 1903: "Affirmatively, for private recitation only." His Holiness Pope Pius X, in an audience held on August 28, 1903, with the undersigned Cardinal, Prefect, approved the judgment of the Fathers and graciously granted the requested extension of the Indulgences. Given in Rome, from the Secretariat of the same Sacred Congregation, on August 28, 1903. A. CARD. TRIPEPI, Prefect. L. S. For the Reverend Father FRANCIS, Archbishop of Amiden, SECRETARY, JOSEPH M. CANONICAL COSELLI, Substitute.

[*Latin ed. p. 186*]

186 FROM THE SUMMARY OF INDULGENCES. Indulgences, Privileges, and Indults granted to Lay Members of the Secular Order of Hermits of Saint Augustine. I. Plenary Indulgences. A. Granted to Lay Members of both sexes who are truly penitent, having confessed and received Holy Communion: 1° On the day of entrance into the Third Order; 2° On the day of profession; 3° On the 5th of May, the anniversary of the Conversion of Saint Augustine, provided they renew their profession; 4° As often as, with a desire for a better life, they dedicate eight consecutive days to spiritual exercises; 5° Once a month, choosing the day at their own discretion, if they devote each day of the entire month to mental prayer for two quarters of an

Translated by churchlatin.ai, a product of Boyne Archives

hour; 6° On the day they attend the monthly sermon or conference. B. To the same Lay Members, if, having confessed and received Holy Communion according to the mind of the Supreme Pontiff, they pray on the following feast days, on which they receive general absolution, or the Benediction: namely, 1° On the Nativity of Our Lord Jesus Christ; 2° On the Epiphany; 3° On Easter; 4° On Ascension Day; 5° On Pentecost; 6° On the Feria V. of the Lord's Supper; 7° On the Most Holy Body and Blood of Christ; 8° On the Nativity of the Blessed Virgin Mary; 9° On the Annunciation; 10° On the Purification; 11° On the Assumption; 12° On the feast of the Blessed Virgin Mary of Consolation; 13° On the Sunday of the First Advent; 14° On the Sunday of the First Sunday of Lent; 15° On the Fourth Sunday of Lent; 16° On the Fourth Sunday of October.

[*Latin ed. p. 187*]

FROM THE SACRED CONSTITUTION ON INDULGENCES, 187, 17th: Dedication of Saint Michael the Archangel, 18th: Nativity of Saint John the Baptist, 19th: Of the Holy Apostles Peter and Paul, 20th: Of Saint Augustine.

C. To these Tertiaries, if, as above stated, they have piously visited the Church where the Sodalitium is established, on the following feast days:

1. On all Sundays of Lent.

2. On all Saturdays within the year.

3. On the feast of the Most Holy Trinity.

4. Of the Most Sacred Heart of Jesus.

5. Of the Immaculate Conception of the Blessed Virgin Mary.

6. Of the Holy Family of Jesus, Mary, and Joseph.

7. Of the Holy Angels Custodes (Puebla).

8. Of Saint Fulgentius, Bishop, of the Confessional Order (January 19th).

9. Of Saint William, of the Confessional Order (February 6th).

10. Of Blessed Christina of Spoleto, Virgin, of the Tertiarian Order (February 14th).

11. Of Blessed Julia of Certaldo, Virgin, of the Tertiarian Order (February 24th).

12. Of Saint Possidius, Bishop, of the Confessional Order (May 17th).

13. Of Blessed Lucia Amerina, Virgin, of the Tertiarian Order (July 17th).

14. Of Saint Alpius, Bishop, of the Confessional Order (August 16th).

15. Of Saint Antoninus, Martyr, of the Order (September 5th).

16. Of Blessed Alphonsus of Orozco, of the Confessional Order (September 19th).

17. Of Saint Gelasius, Pope, and of the Confessional Order (November 20th).

18. Of All Saints, of the Order (November 13th).

Translated by churchlatin.ai, a product of Boyne Archives

D. To these same Tertiaries who are about to die, if, as above stated, they have [performed these works], or at least, if contrite, they have piously invoked the Holy Name of Jesus, either with their mouth, if they are able, or, if not, with their heart.

II. Partial Indulgences.

A. Of one hundred years and as many quarantines.

1. On the feast of the Discovery of the Holy Cross, and

2. On the Exaltation of the Holy Cross;

3. Of Saint John the Baptist;

4. Of All Saints.

B. Of seventy years and as many quarantines.

1. On all feasts of Our Lord Jesus Christ which are celebrated throughout the entire Church.

[*Latin ed. p. 188*]

188 KX DE INDULGENCES, SECTION II: 1. In all the feasts of the Blessed Virgin Mary, equally celebrated throughout the entire Church; 2. In the feasts of the Apostles and Evangelists, provided that on those days they at least visit the church of the Order or the altar of the Sodality with a contrite heart and devote themselves to prayer for a certain time. C. For three hundred days, whenever they perform some pious work of piety or charity with at least a contrite heart. III. Station Indulgences. On the days of the stations described in the Roman Missal, the tertiaries, if they visit the church in which the seat of the Sodality is established and pray there according to the mind of the Supreme Pontiff, obtain the same indulgences that they would gain if they personally visited the churches of the city listed in the same Missal on those days, provided that they perform the other prescribed pious works. IV. Indulgences of the Seven Churches of the City. The tertiaries who visit seven altars in the churches of the Order of Saint Augustine or in the Sodalities designated for this purpose, gain the same indulgences that they would obtain by visiting the seven churches of the city. V. Indulgences for the recitation of the Rosary of the Blessed Virgin Mary of Consolation. 1. The tertiaries, whenever they recite the complete Rosary with at least a contrite and devout heart, gain an indulgence of one hundred days for each Our Father or Angelic Salutation. 2. Whenever the same Rosary is recited a) in the churches where the Sodality has its seat; b) on the feast of the Blessed Virgin Mary Mother of Consolation, or on each day of the octave of the same feast, the tertiaries gain, for each Our Father or Hail Mary, an indulgence of two hundred days.

[*Latin ed. p. 189*]

FROM THE DECREE ON INDULGENCES, §9, 3°: Tertiary members

Translated by churchlatin.ai, a product of Boyne Archives

who are accustomed to reciting the rosary four times a week may gain a plenary indulgence once a year, on a day of their choosing, provided that they have sincerely repented, confessed their sins, and received Holy Communion, and have recited the rosary. 4° Furthermore, Tertiary members who recite the aforementioned rosary daily throughout an entire month, and who, within the same month, on days of their choosing, have sincerely repented, confessed their sins, and received Holy Communion according to the mind of the Supreme Pontiff, may also gain a plenary indulgence. All and each of the indulgences granted thus far, except for the plenary indulgence granted at the hour of death, are also applicable to the souls of the deceased in Purgatory. VI. Privileges. 1° Tertiary priests, when celebrating Mass at any altar, enjoy the privileged personal indulgence of the altar for three days in each week, provided that they have not obtained a similar indulgence for another day. 2° All Masses celebrated in suffrage for deceased members of the Sodality are always and everywhere privileged. VII. Indulgences. 1° Tertiary members residing in places where there is no church of the Order of Saint Augustine may gain all the indulgences they would gain by visiting said church, if, having fulfilled the other prescribed works, they visit the church where the Sodality is located, or, if this is not possible, their parish church. 2° Tertiary members who are infirm or convalescing, and who are unable to leave their homes conveniently, may gain the same indulgences as if they had personally visited the church of the Order or the Sodality, by reciting the Our Father and the Hail Mary five times and by praying for the intention of the Supreme Pontiff, provided that they fulfill all the other conditions.

[*Latin ed. p. 190*]

190 FROM THE DECREE ON INDULGENCES, Section 3: Tertiaries who reside in colleges, seminaries, and other communities may gain the indulgences proper to their Sodality by visiting the chapel of the respective house in place of the church of the Order or Sodality, provided that all other conditions are fulfilled. DECREE: Whereas, by the Decree of this Sacred Congregation on Indulgences and Sacred Relics, dated July 18, 1902, all indulgences, by which secular Tertiaries of any Order previously enjoyed benefits due to their communion with the first and second Orders, were completely abolished; and whereas, it was prescribed to the Superiors of religious Orders having their own Third Order that they propose a new list of indulgences for their secular Tertiaries; the General Prior of the Order of St. Augustine, complying with this mandate, prepared the aforementioned list and humbly submitted it to this Sacred Congregation; which, after employing the assistance of some of its consultants, called it for examination. However, the Most Holy Pope Pius X, in an audience on August 28, 1903, having heard a report on these matters made by the undersigned Cardinal Prefect, benignly confirmed those indulgences

Translated by churchlatin.ai, a product of Boyne Archives

which were formerly directly granted to Tertiaries from the list presented, while, in place of those by which they previously benefited through communion, He mercifully granted others; and He also commanded that, in the future, the members of the aforementioned Order who are Tertiaries living in the world should only participate in those indulgences, and enjoy those privileges and grants which are listed in the aforementioned list. His Holiness wished this concession to be valid also for all future times, without any further Bull. Contrary decrees notwithstanding. Given at Rome, from the Secretariat of the same Sacred Congregation, on September 5, 1903. A. CARD. TRIPEPI, Prefect. L. * S. For R. P. D. FRANCISCO, Archdeacon, SECRETARY, JOSEPH M. CANONICAL COSELLI, Substitute.

[*Latin ed. p. 191*]

191 FROM THE VICARIATE OF THE CITY: CIRCULAR LETTERS to the Bishops of Italy, by which the Cardinal Vicar of the City communicates certain norms for clerics coming to Rome for studies.

Most Reverend Monsignor, Circulars have already been sent from this Vicariate concerning those ecclesiastics who come to Rome to pursue their studies, the first on August 10, 1901, and the second on August 15, 1902. However, the perfect fulfillment of the purpose we had set forth with the provisions contained in those circulars was hindered by the insufficiency of Italian seminaries and colleges in this city. Now that, thanks be to God, with the establishment of the new college directed by the Sons of Mary, this difficulty no longer exists, we can definitively establish the following norms, which we hasten to communicate to Your Eminence.

1) All clerics and priests who are sent by their Bishops to Rome to pursue sacred studies must belong to one of the following institutions:

a) The Pontifical Roman Seminary.

b) The Pontifical Vatican Seminary.

c) The Venerable Capranica College.

d) The Apostolic Leonian College.

e) The College of the Sons of Mary (Via Mascherone, no. 55).

For this purpose, they must submit an application to the respective superiors of the aforementioned institutions, accompanied by the necessary documents.

2) Ecclesiastics who are sent to Rome to pursue studies at the state university must observe the provisions contained in the circular of the Sacred Congregation of Bishops and Regular Canons of July 21, 1896 (1). It should be noted, however, that individual students are not permitted to seek lodging on their own, but must request it through their respective diocesan curias from this Vicariate, which will provide the appropriate guidance.

Translated by churchlatin.ai, a product of Boyne Archives

(1) Cf. Acta S. Sedis, vol. XXIX, page 539.

[*Latin ed. p. 192*]

192 FROM THE VICARIATE OF THE CITY 3) The same must be said of those ecclesiastics who are sent to Rome to attend to the practice of canon law in the studies of the Sacred Congregation of the Council. 4) The aforementioned circulars of August 10, 1901, and August 15, 1902, retain their validity for all that has not been modified by the present document. 5) Furthermore, we believe it necessary to address to Your Eminence and Lordship certain special recommendations: a) The requests of which mention is made above should be sent with the greatest diligence within the first half of October, and in any case not later than the 31st of that month. b) It is not permitted for anyone other than ecclesiastics of impeccable conduct to come to Rome, and who, through the proofs given of their intelligence and good will, give reasonable hope of succeeding well in their studies. c) The aforementioned ecclesiastics should already have sufficient means to provide for their maintenance, without needing to seek out lucrative occupations, or even only chaplaincies that require the celebration of Mass in certain churches or religious institutions; since this would be incompatible with the requirements of study and discipline in the colleges and communities where the ecclesiastics themselves will reside. We have great confidence that these provisions, faithfully observed, will be beneficial not only to the student ecclesiastics, who in Rome will thus be able to better maintain the spirit of their vocation, but also to the various dioceses in which, after completing their studies, those ecclesiastics will exercise their holy ministry. With sentiments of true esteem and profound respect, I declare myself Your Eminence and Lordship's devoted servant. Rome, August 15, 1903. Your devoted servant, PIETRO RESPIGHI, Cardinal Vicar.

[*Latin ed. p. 193*]

193 FROM THE PROCEEDINGS OF THE CONSISTORY: THE FIRST ADDRESS OF HIS HOLINESS, POPE PIUS X, GIVEN IN THE PRIVATE CONSISTORY ON NOVEMBER 9, 1903. Venerable Brothers, When, on this day, We address you from this place for the first time, the following thought occurs to Our mind above all else: that recently, through your suffrages, We were urged to accept the highest dignity of the Apostolic See, and that We attempted to decline it, imploring you. Indeed, do not think that We did this because We feared that Our actions might signify a lack of respect for your will, or that they might lead to an unfavorable judgment of Us, or that We were unwilling to labor further for the Church, to which We have devoted our entire life and soul. But, having discovered either a lack of virtue in Ourselves, or a deficiency of intellect, and furthermore, having observed

Translated by churchlatin.ai, a product of Boyne Archives

that the Acts, Volume XXXVI, page CDXXIV, 13...

[*Latin ed. p. 194*]

194 FROM THE CONSISTORY ACTS, and how much is rightfully expected by the Roman Pontiff, what then, if we ourselves seemed utterly inadequate to sustain so great a task? Indeed, to care for the Gospel so that it may be commonly observed, to properly safeguard its precepts and counsels; to administer the rights of the Church; to judge numerous and weighty causes concerning domestic society, the education of the young, and concerning law and property; to restore the disturbed order of the state to Christian equality; in short, to redeem the world and bring citizens closer to Heaven: these, we say, and similar aspects of the Apostolic office appeared so great that we seemed unworthy to fulfill them with our own strength. Furthermore, as we recently stated in Encyclical Letters, the place of the Pontiff must be recognized, for his zeal in promoting religion and fostering the various forms of piety, his wisdom in refuting the errors of these times, his public and private upholding of the integrity of Christian doctrine and life, and his providence in assisting the poor and needy, and in appropriately addressing the inconveniences of civil society, have shone forth so brightly that all of humankind has bestowed upon him immortal gratitude with admiration. Who would not be deterred by such great excellence and magnitude of a man, when faced with inheriting such a weighty office? Certainly, we, considering our own weakness, were greatly deterred. But since it has pleased the inscrutable will of God to impose upon us the supreme burden of the Apostleship, we shall undertake this task, relying solely on His help and grace. And as far as is in our power, it is certain and determined that we shall devote all our cares and thoughts to preserving the deposit of faith holily and inviolably, and to working for the eternal salvation of all; and for this purpose, we shall never shun any effort or hardship.

Moreover, since it is most necessary and beneficial to the Christian commonwealth that the Pope be free and unsubject to any power in governing the Church, because the conscience of duty, and the oath by which we are bound, demand it, we lament the most grievous injustice done to the Church in this matter. Furthermore, the thought greatly comforts us that, in the performance of this most grave and difficult ministry, you, Venerable Brothers, will be a most excellent aid to us, with your prudence and wisdom. Indeed, we know that your College is present with us, by divine grace and benefit, primarily for this reason, to...

[*Latin ed. p. 195*]

The administration of the entire Church is greatly aided by offering counsel and dedicating effort to its affairs. Therefore, it is scarcely necessary to state that We shall always seek the support of your wisdom and discern-

Translated by churchlatin.ai, a product of Boyne Archives

ment in all matters, especially when a more serious issue arises; and this, so that you may bear the immense burden of duty that presses upon us, each in your own sphere. For the matters at hand pertain to those things that extend beyond temporal goods to eternal realities; they encompass the affairs of the entire world, safeguarding the reverence for the Gospel and its precepts in every way; and finally, Our concerns extend not only to the faithful, but to all people, for whom Christ died. Therefore, it is not surprising that there are many who, driven by a primacy for novelty, as is the nature of the age, are striving to devise a new method for Our governance as Pope. As if the matter required investigation, or as if it were not clear that We intend to adhere to the same path that Our predecessors have followed until now. We have declared that it is Our intention to restore all things in Christ; and since Christ is the Truth, it is Our primary duty to uphold the teaching and proclamation of the Truth. Therefore, We shall ensure that the simple, clear, and effective words of Jesus Christ constantly flow from Our mouth, and are deeply impressed upon the minds of all, to be sacredly guarded; and for this very guardianship, He Himself willed that the greatest aid should be the recognition of the Truth: "Then Jesus said to those Jews who believed him: If you continue in my word, you shall be my disciples indeed. And you shall know the truth, and the truth shall make you free" (1). Furthermore, in order to fulfill the duty of safeguarding Christian truth and law, it will be necessary for Us to: illuminate and affirm the fundamental principles, whether those concerning nature or those divinely revealed, which we now see obscured and forgotten; to strengthen the principles of discipline, authority, justice, and equity, which are being undermined today; and to guide all people, not only those who are governed, but also those who govern, as all are created by the same Father, in their private and public lives, and also in the social and political sphere, according to the norm and rule of honesty. We understand that some may be offended by what We say, that We must also concern ourselves with political matters. But every just judge sees that the Pope cannot separate the realm of faith and morals from political matters, which are intrinsically connected to the office that We hold.

(1) John 8, 31-32.

[*Latin ed. p. 196*]

196. Since the Supreme Pontiff is the head and guide of the perfect society, which is the Church, composed of men, and established among men, he must, when dealing with the princes of states and the governors of republics, strive to ensure, for the Catholics in every place and part of the world, both security and freedom. For it is inherent in man to eagerly seek the truth, to lovingly embrace it when offered, and to retain it. However, due to the vice of nature, many hate nothing more than the proclamation of the truth, as if it exposed their errors or restrained their desires. The

Translated by churchlatin.ai, a product of Boyne Archives

reproaches and threats of all these people do not move us in the least; for we are sustained by that admonition of Jesus Christ: "If the world hate you, know ye that it hath hated me before you." (1). Furthermore, those who daily maliciously accuse the Catholic faith of hindering freedom, of being detrimental to science, and of retarding the progress of humanity, is it necessary to argue how full of falsehoods their statements are? For, indeed, that license of feeling and acting, to which no authority, whether divine or human, is sacred, and which, by tearing away all laws, and the foundations of order and discipline, drags states to ruin, the Church condemns and considers it necessary to severely restrain; but this is a corruption of freedom, not freedom in its true sense. On the contrary, true and genuine freedom, by which each person may do what is just and right, is not only not suppressed by the Church, but it must always strive to promote it. Moreover, it is far from the truth that the faith opposes science; on the contrary, it even benefits it, and not a little. For, besides those things that are above nature, of which no one can have knowledge without faith, there are many things that are equally within the order of nature, which human reason can access, but, illuminated by the light of faith, it perceives them much more clearly and certainly. To make true things contend with each other, when both kinds of knowledge originate from one and the same source, namely God, is absurd. Therefore, whether it be inventions of the mind, discoveries of experience, or advancements of disciplines, whatever finally improves the life of mortals, what reason is there why they should not be approved by us, who are the guardians of the Catholic faith? (1) John 15:18.

[*Latin ed. p. 197*]

FIRST ADDRESS 19. Indeed, these matters must also be fostered, following the example of our predecessors. But the decrees of more recent philosophy and civil prudence, by which the course of human affairs is now driven, which do not allow for the prescriptions of eternal law, We must refute and expose, mindful of our Apostolic office. In this, We do not hinder the advancement of worthy human endeavors, but rather We prevent them from rushing to ruin. But when We undertake this necessary struggle for the truth, We embrace with the greatest affection those enemies and opponents of the truth, who are deeply distressed, and We commend them to the divine mercy with tears. For if it is the law of the most holy Roman Pontificate to prove and defend what is true, just, and right, and to detest and reject what is false, unjust, and perverse; it is no less that mercy and forgiveness should be extended to the wicked, and this, in imitation of their Author, who prayed for the transgressors. For God, who was in Christ reconciling the world to Himself, willed that the ministry of reconciliation should be prolonged into eternity through the Roman Pontiffs, as His Vicars; and therefore, it must be sought from their authority and judgment. Therefore, to judge us harshly and perversely concerning our

Translated by churchlatin.ai, a product of Boyne Archives

office and duty, would be to judge injuriously, and We must strive to fulfill our paternal will towards all. We are confident that our predecessors were not mistaken, and that We shall be able to overcome all widespread errors and every injustice, and that the truth will ultimately prevail; yet, as We have said, We strive with the utmost effort towards this goal. And if our hopes are not fully realized, it is certain, with God's help, that the kingdom of truth will be established and strengthened, and will be spread to many others, who are not entirely ill-disposed. Now, it is pleasing to add to the most distinguished College of yours, Venerable Brothers, and today We have decided to honor two elected men. One, adorned by the testimonies of your own members during the interregnum, has demonstrated in these few months an outstanding character, intellect, and prudence in the conduct of affairs. The other, through his outstanding piety and teaching, and through his long and diligent performance of his episcopal duties, has long been known to us. These are: RAPHAEL MERRY DEL VAL, Archbishop ad honorem of Nicaea. JOSEPH CALLEGARI, Bishop of Patavium.

[*Latin ed. p. 198*]

198 FROM THE CONSISTORY ACTS: What seems good to you? Therefore, with the authority of Almighty God, of the holy Apostles Peter and Paul, and Our own, We create and publicly proclaim the Most Reverend Cardinals RAPHAEL MERRY DEL VAL and JOSEPH CALLEGARI, with the necessary and appropriate dispensations, derogations, and clauses. In the name of the Father, and of the Son, and of the Holy Spirit. Amen. FROM THE SECRETARY'S OFFICE, BRIEF: The seat of the Abbot General of the Order of Saint Benedict in Brazil is transferred from the monastery of Saint Sebastian of Bahia to that of the Most Blessed Virgin of Montserrat in Fluminis. LEO XIII, POPE. FOR THE PERPETUAL REMEMBRANCE: A singular zeal and paternal charity, with which this Holy Apostolic See follows the Catholic nation of Brazil, remind Us to devote Our utmost care and thoughts to matters pertaining to the restoration of the ancient religious Orders, from which that republic has received so many and such lasting benefits. As for the Order of Saint Benedict, which is not surpassed by any other in antiquity and doctrine, We, approving the resolutions of the General Chapter held in Bahia in the year 1890, have readily provided the necessary and appropriate assistance to Our beloved son, Dominic of the Transfiguration, Machado, Abbot General of the Benedictine Congregation of Brazil, so that that Congregation might be restored to its former splendor and flourishing. And We have received the pleasing news that four of the ancient Benedictine monasteries in Brazil, namely, those of Olinda, Bahia, São Paulo, and of the Most Blessed Virgin of Grace, have already been

Translated by churchlatin.ai, a product of Boyne Archives

brought back to regular discipline, with fervent devotion.

[*Latin ed. p. 199*]

FROM THE SECRETARY OF BRIEF COMMUNICATIONS, 199. The joyous family rejoices; and a new foundation has been established in honor of the Holy Cross in the state of "Ceará," which has been received with great approval by the citizens, who for a long time had desired a college for the education of children; furthermore, the Abbey of Saint Andrew in Belgium has been restored so that it may perpetually provide assistance to the Brazilian Congregation of the Order of Saint Benedict, and it is not unknown to Us that several young Brazilians have joined the Benedictine Order, so that the ancient and venerable Congregation may flourish again in that land. The praise for this fortunate and blessed event belongs most especially to the aforementioned Abbot General, who has devoted his time, effort, and the strength of his intellect to the restoration of the Brazilian Benedictine family. To reward his merits, while he lives, we increase his title of Abbot General; now, as this beloved son, and the entire Brazilian Benedictine Congregation together, may receive a new and singular pledge of Pontifical benevolence, so that the Order may increase and prosper in that region, we decree, order, and establish the following. Namely, we embrace with particular benevolence all those to whom these letters are addressed, and, whatever ecclesiastical sentences, censures, or penalties they may have incurred, we absolve them and declare them absolved for this very reason, after consultation with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for Affairs and Consultations of Bishops and Regular Canons, having carefully considered all aspects of the matter, by our own initiative, and with certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, by the force of the present document, we transfer and declare to be transferred the Seat of the Abbot General of the Congregation of the aforementioned Order of Saint Benedict, established in Brazil, from the Monastery of Saint Sebastian in Bahia to the Monastery of the Blessed Virgin Mary of Montserrat, commonly called Saint Benedict, in Rio de Janeiro. For it is necessary that, in order to better govern the entire Congregation, the Abbot General reside near the seat of civil government and the Apostolic Nunciature; and it is most fitting that the Order, renowned for its excellence in science and letters, have its principal seat in the very center of this great Brazilian nation. Furthermore, by our authority, we also...

[*Latin ed. p. 200*]

200 FROM THE SECRETARY OF BREVES, the Reverend Transfiguration Machado, Abbot General of the Brazilian Congregation and, until now, Abbot of Saint Sebastian of Bahia, we release from all bonds, insofar as it may be necessary, and we transfer him to the Abbey of the Most Blessed

Translated by churchlatin.ai, a product of Boyne Archives

Virgin of Montserrat in the city of Rio de Janeiro; but we wish that the aforementioned Abbot of Saint Sebastian of Bahia retain the Abbey under his administration, with our permission granted, considering the dignity of the Primatial See of Bahia, whose Prelate pursues the Benedictine Order with special benevolence, so that he may reside in either of the aforementioned Abbeys at his discretion. Furthermore, we foster the hope that the aforementioned Abbot General will strive to restore the aforementioned Abbey of Rio de Janeiro, as he has done in Bahia, to its former splendor, and that he will further enhance the excellent institution established there for the education of young men of that principality; and, if the number of monks permits, he will allocate a portion of the Abbey's revenues to the evangelization of the indigenous populations, so that those who still sit in darkness and in the shadow of death may be brought to the light of Christian truth by the care of the monks of the Benedictine Order, and so that they themselves may contribute to the prosperity of the Brazilian nation in the future. Moreover, we grant this, decreeing that these present letters shall always exist and be valid and effective, and shall have and obtain their full and complete effects, and shall fully suffice for those to whom they pertain, and for all time, and that in all things they shall fully prevail, so that in the aforementioned matters, whatever judges, ordinary or delegated, may judge and decide; and that they shall be declared void and null if anyone, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the 28th day of November, in the twenty-fifth year of Our Pontificate. ALOIS. CARD. MACCHI.

[*Latin ed. p. 201*]

FROM THE SECRETARY OF BREVIARIES 201: Indulgences are granted by the venerable image of the Most Holy Cross in the collegiate church of the place called Cortemaggiore. To all the faithful who shall read these letters, greetings and the Apostolic blessing. It has been brought to our attention that from the fifteenth day of the month of July until the end of August of this current year, a large number of the faithful of the Diocese of Placentia will be venerating the image of the Most Holy Cross of our Redeemer in the crypt of the collegiate church of the place commonly called "Cortemaggiore." And so that this pious pilgrimage may more abundantly contribute to the good of souls, trusting in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, we grant, with full power, to all and each faithful of both sexes who are truly penitent and have confessed, and who have received Holy Communion, that if, within the aforementioned days, they visit the aforementioned church on any one day, and there, before the image of the Most Holy Cross of our Redeemer, they offer devout prayers to God for the concord of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation

Translated by churchlatin.ai, a product of Boyne Archives

of the Holy Mother Church, we mercifully grant and remit, in the Lord, the full remission of all their sins. And to those faithful who, at least with a contrite heart, shall visit the same image on any of the aforementioned days and shall pray before it as above, we remit seven years and seventy times four of the penances prescribed to them, or of any other debts of penance, according to the custom of the Church. We also grant and bestow all these and each of these indulgences, remissions of sins, and relaxations of penances, so that they may also be applied for the benefit of the souls of the faithful detained in Purgatory, as a form of suffrage. These are valid only for the present year. Given at Rome, near St. Peter, under the Fisherman's ring, on the 4th of July, 1903, in the twenty-sixth year of Our Pontificate. ALOISIUS Cardinal MACCHI.

[*Latin ed. p. 202*]

202 ACTS OF THE ROMAN CONGREGATIONS FROM THE MOST HOLY BISHOPS AND REGULAR CANONS: Doubts concerning the solemn profession of Nuns. Most Blessed Father, The Most Holy Congregation of Religious and Regular Canons, by its decree "Perpensis temporum adiunctis," dated May 3, 1902 (1), prescribed that in monastic houses of religious women, in which solemn vows are taken, simple vows must precede those solemn vows; furthermore, in a response of the same Most Holy Congregation, given in Bologna on July 28, 1902 (2), it was decided: "The rite or ceremony received in each monastery must be used for the taking of the first profession, and, suppressing the customary formulas, if they exist, the solemnity of the vows should be expressed with words, and the novice should declare the simple vows, according to the decree issued by the Most Holy Congregation of Religious and Regular Canons on May 3, 1902: and the second profession may be taken privately in the choir or inner oratory, before the community, in the hands of the Superior, with prior approval of the Ordinary or Regular Prelate, with regard to monasteries exempt [from ordinary episcopal jurisdiction]." Therefore, having established: "that the rite received should be used in the first profession of simple vows, suppressing only the words expressing the solemnity of the vows, and that the second profession of solemn vows may be taken privately," this doubt arises in my mind:

I. May the Ordinary, or, with regard to monasteries exempt, the Regular Prelate, after hearing the Superior's vow, decree that the second profession also be made publicly before the Ordinary or an Ordinary's commissary?

(1) Cf. Acta S. Sedis, Volume XXXV, page 31.

(2) See the cited volume, page 35.

[*Latin ed. p. 203*]

FROM THE HOLY GENERAL DECREES OF BISHOPS AND CANONS, 203. I. Whether the ceremonial rites are to be observed in the second profes-

Translated by churchlatin.ai, a product of Boyne Archives

sion, if it is made privately before the Superior, and whether they are to be observed if it is made publicly before the Ordinary or his commissary? II. Whether, and in what manner, in the latter case, the symbolic actions, the blessing, and the giving of the veil, ring, and crown, which have hitherto been used in the solemn rite of profession, should henceforth be used also in the first, simple, profession, according to the intention of the decree "Perpetuis temporum adiunctis." Humbly presenting these doubts for resolution, I, Leo, humble servant and son, Cardinal of Skrbensky, Archbishop of Prague, prostrate myself before Your Holiness. The Holy Congregation for Religious Affairs of the Holy Roman Church, to which the business of Cardinals, Bishops, and Regular Canons is entrusted, having considered the doubts presented, has decided to respond as follows: To I. Affirmative, provided that the Superior and the Community request that the profession in question be made publicly. To II. In both cases of the second profession, it is only required that the professed recite the formula of profession, using the prescribed words, expressing the solemnity of the vows. To III. As provided in 2°. Rome, 15th of January, 1903. D. CARD. FERRATA, Prefect. L. & S. P. GIUSTINI, Secretary. DECREE concerning the entrance into the cloister of nuns for the purpose of burial. Most Eminent Lord, It is the custom in all the convents of nuns in this diocese that, when burying each of them, several priests are summoned, who enter the cloister to perform the burial offices, or to accompany them, so that there may be eight, or ten, and sometimes twelve, in addition to the lay workers who perform the work of burial.

[*Latin ed. p. 204*]

204 FROM THE MOST HOLY COLLEGE OF BISHOPS AND REGULARS: They write. The Constitutions of some of these communities prescribe nothing concerning this matter; while the Constitutions of others prescribe that a number of priests, brothers of the same religious order, namely six, or eight, or ten, or twelve, or, if there are not so many, four secular priests, along with lay workers, should be offered a light meal within the enclosure after the completion of the work. Until now, I have tolerated this practice with the intention of seeking instructions from this Sacred Congregation, and especially because some of my predecessors seem to have expressly approved of this custom, as the communities themselves assert; however, because of the commendable obedience and submission of the nuns, it seems that a serious resistance to reform might be feared, if it is deemed advisable. Since the aforementioned practice does not entirely conform to the regular discipline, and in order that I may present this matter to you more prudently, or that I may proceed more safely with the authority of this Sacred Congregation, following the wisdom and counsel of the Most Reverend Fathers, I humbly submit the following for consideration: I. Can the aforementioned custom and

Translated by churchlatin.ai, a product of Boyne Archives

practice, as they are, be maintained in all cases? II. At least, should the prescription concerning the four secular priests be considered worthy of observance, when there are absolutely no brothers of the order present, so that it may be permitted to be maintained and observed; and should the other communities, in which nothing is prescribed concerning this matter, be accommodated to the same provision? III. Given that these [suggestions] are not approved, and with due prudent consideration for a lasting practice, what number of priests should be admitted along with lay workers within the enclosure to perform the sacred offices of burial and the related material labor? IV. Finally, should a light meal, offered as a token of gratitude and obedience, be commended or at least permitted to be given to the aforementioned persons immediately after the work is finished, before they leave the enclosure; or at least, should it be tolerated in a common area where the secular priests gather to greet the nuns? In the meantime, I pray for all the blessings of God upon Your Eminence, from your humble and devoted servant, Aloysius Philippus, Bishop of Zamora.

[*Latin ed. p. 205*]

By virtue of special faculties granted by Our Most Holy Lord, the Sacred Congregation of Bishops and Regular Canons, entrusted with the affairs and consultations of Bishops and Regular Canons of the Holy Roman Church, having considered the doubts presented, has decided to respond as follows:

Regarding questions I, II, and III: Considering the established custom, which can be tolerated in prayers, it is permitted that confessors, having taken on associates from among regular or secular priests, in number and quality as determined by the Constitutions of each monastery or by custom where such is not specified in the Constitutions themselves, and who are engaged in necessary work and approved by the Bishop, may enter the enclosure to perform the office of burial for a deceased nun.

Regarding question IV: Negatively, concerning the first part; affirmatively, concerning the second part.

Rome, April 24, 1903.

D. CARD. FERRATA, Prefect.

L. S. PH. GIUSTINI, Secretary.

DOUBTS concerning the ordinary confessor of the Visitation nuns.

Most Blessed Father, the Ordinary of Tirasonen reports that there exists in his diocese a monastery of the Visitation in which the law regarding the triennial change of the ordinary confessor is not observed. This custom, which is contrary to common law, is based both on Constitution XIX of the Institute, which refers to confessors, and on the response given by the Sacred Congregation of Bishops and Regular Canons on this matter on August 19, 1825. For when the Superior of a monastery in the Eternal City

Translated by churchlatin.ai, a product of Boyne Archives

requested that the Institute be allowed to use the aforementioned Constitution without impediment, the Sacred Congregation responded: "Nothing is to be changed." Therefore, etc.

The Sacred Congregation entrusted with the affairs and consultations of Bishops and Regular Canons, having considered the above, responds:

[*Latin ed. p. 206*]

206 FROM THE DECREES OF BISHOPS AND RULES. The Doubts and Resolutions of the General Congregation of March 20, 1891, are communicated. "The following doubts were raised: 1. Whether and in what manner does the right to elect an ordinary confessor belong to the nuns of the Visitation? 2. Whether the right to dismiss or remove an ordinary confessor belongs to the nuns of the Visitation? 3. Whether the nuns of the Visitation can retain their ordinary confessor indefinitely, that is, with an exemption from the law of a three-year term in office? (1) 1. The right to elect an ordinary confessor, for the purpose of hearing the sacramental confessions of the nuns, is maintained, provided that the manner is observed. The manner is that the form of election prescribed in Constitution XIX is fully observed, and that the confessor thus elected requires confirmation from the Bishop, who, if there is a legitimate reason, can also refuse to confirm him. 2. Provision will be made for this in the third [point]. 3. The law of the three years for the duration of the ordinary confessor in office also applies to the nuns of the Visitation, with the following understanding: that if there are reasons for removing the ordinary confessor (during the three-year period), observing the form of the same Constitution XIX, the nuns must present these reasons to the Bishop, and await his judgment, always reserving the right of appeal to the Holy See if necessary." Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on September 30, 1903. D. CARD. FERRATA, Prefect. * S. PH. GIUSTINI, Secretary. (1) In Latin: 1. Whether and in what manner does the right to elect an ordinary confessor belong to the nuns of the Visitation? 2. Does the right to dismiss an ordinary confessor belong to the nuns of the Visitation? 3. Can the nuns of the Visitation retain their own ordinary confessor indefinitely, with an exemption from the law of the three years for the duration of the ordinary confessor in office?

[*Latin ed. p. 208*]

208 From the records of the Most Holy Council, a certain deceased woman requested that the Bishop establish a perpetual endowment for the celebration of Masses. Another executor doubted whether such an endowment could be established by the Bishop and raised the question to this Sacred Congregation for resolution, which, after presenting an exposition of the facts, sought a solution to these doubts, namely: I. Whether the phrase "for the celebration of Masses for the suffrage of the

Translated by churchlatin.ai, a product of Boyne Archives

soul of the deceased woman and for the eternal rest of her parents" should be understood and interpreted in such a way that the executor herself cannot establish any perpetual endowment for the celebration of Masses, but rather that the entire sum of money must be used for the celebration of a certain number of manual Masses, or rather, whether the executor is obligated to establish a perpetual endowment for Masses? II. Whether, considering the clause "that no authority or power, from any title, may interpret the will of the deceased woman in any other way," the Ordinary of the place can nevertheless, with his own authority and even against the will of the executor, order that a perpetual endowment for the celebration of Masses be established? Regarding the third surviving executor (whose name is unknown, whether he is I. Urdampilleta or I. de Angulo, both laymen), it is entirely unknown what decision he will make regarding the portion of the inheritance he received, and how he intends to use it for the fulfillment of the endowment. In the meantime, this Sacred Congregation, having published the decree "Per summaria precum," wrote to the Bishop of Victorien: "That he should instruct the three testamentary executors to, in the meantime, celebrate or have celebrated a suitable number of Masses, to be determined by him, along with manual alms; and that they should await the response of the Sacred Congregation, so that they may be able to dispose of the remaining sums." Information to the Bishop. Regarding this matter, as is customary, the information and opinion of the Ordinary of Victorien were requested; who, on October 19, 1901, regarding the intention of the executor, stated: "He acted correctly."

[*Latin ed. p. 209*]

VICTORIEN. Since he considered that it would be impossible in no way to fulfill such a large endowment of Masses, entrusted to his care, within the due time in his parish church, where there are only two priests, he requested from his Prelate, the aforementioned Bishop, the institution of some foundation of perpetual Masses which seemed more suitable. Having considered this, and also noting that the deceased had not imposed any condition, either in the form and time of celebration, or in alms or stipend, in her testamentary dispositions, the aforementioned Bishop did not hesitate to be able to persuade the aforementioned parish priest to have the share of the inheritance entrusted to him established for perpetual Masses, and he granted him permission to establish a perpetual and endowed chaplaincy in his parish, with the obligation of a daily Mass, as he desired, for the benefit of the souls mentioned in the will, and with the duty of assisting the parish priest. When the aforementioned Bishop will erect this kind of chaplaincy canonically, provision will be made for the amount of the endowment and its revenues, in accordance with the internal debt of the Kingdom, the securities of which, commonly called "títulos de cuatro por ciento consolidado interior," must be delivered to

Translated by churchlatin.ai, a product of Boyne Archives

the general diocesan treasury, from which the chaplain will receive the revenues quarterly; and thus the last will of the deceased will be fulfilled in every way, with the application of 365 Masses per year for the souls mentioned in the will, and with the service of another priest necessary for the parochial duties, which is very suitable for the piety of the faithful, given the daily Mass. Regarding the other executor of the will, the Bishop states: "Ioannes Vincentius Dermit, a priest, whose petition is before the eyes of the aforementioned Bishop, is one of the three testamentary executors of the deceased Amalia Arzabe, who has received, or will receive, a third part of the inheritance dedicated to Masses for the souls. In the aforementioned testamentary disposition, which directs the testamentary executors to apply the entire sum of the inheritance remaining after the payment of the legatees to the celebration of Masses and for the benefit of the souls of the deceased herself, her parents, and her brothers, only that Act, Volume XXXVI, page CDXXIV, is imposed."

[*Latin ed. p. 210*]

210 From the decree of the Sacred Council, it is stipulated that certain Masses be celebrated at the altar where the sacred image of Saint Joseph, the Patriarch, is venerated; all other matters are left to the discretion of the executors of the will, but no one can interpret this to mean that the testatrix intended a different will. With these premises established, no prohibition is found against the executors establishing, according to their prudent judgment, any perpetual foundation for Masses, along with an assignment of alms to the same beneficiaries, provided that the Ordinary is aware of and approves of it, when necessary. Furthermore, no one can be prohibited from interpreting the will, for what the deceased undoubtedly intended to prohibit is a change in her disposition; and this change, by applying the inheritance to something other than it, neither the executors of the will nor the Ordinary of the place can effect: but such a change does not occur in the case of applying the value of the inheritance to the celebration of Masses, whether perpetual or otherwise, which is not at all prohibited by the clause of the will, or by the codicil, which does not prescribe or prohibit anything. Therefore, it seems advisable to the Bishop, saving the better judgment of the Most Eminent ones, that a decree be issued in this sense: "that the executor may approach his Ordinary, as has already been done by another executor of a will of greater importance, and acquiesce in his decision."

Observations:

First of all, it must be noted that, by no law, could the executors of the will, at their discretion, divide among themselves the thing bequeathed by the testatrix, since they received it undivided, and as if in solidum, so that all, universally and individually, were entrusted with the care of the entire inheritance, and not for a part. For the executors were appointed with this express condition of the testatrix: "by naming all four executors of the will

Translated by churchlatin.ai, a product of Boyne Archives

together, and each one in solidum." But if they received a divided legacy to satisfy, they could not divide it according to their own discretion, much less when they have assumed an obligation to restrict it.

[*Latin ed. p. 211*]

VICTORIEN. 211. The executors did not suffice for the execution of the will, each one attending only to a part of the will. This was not obscurely indicated by the Rota in one case from Posnania. – *Legatorum*, 6 December 1748, concerning the question of whether several appointed executors can be considered jointly responsible for the administration of the estate, even if not all have administered, thus stating: "Especially because there is no division of this administration, either by the judge or by the testator, and therefore, just as in the case of all individuals, the administration of the inheritance is individual, so too is the obligation of those individuals towards the legatees, both individually and jointly." It is not permissible for each executor to claim that he will render an account only for the goods entrusted to him for administration, because this would apply where a particular administration is being considered, and where a division of the administration has been made, either by the judge or by the testator; otherwise, when the administration is general and jointly assigned to all, and accepted individually by all. This obligation to administer the goods bequeathed jointly by the testatrix appears to be more urgent, especially when it is considered that, besides the two testamentary priests, a layperson was also appointed as an executor, and who, moreover, today could not easily be compelled by canonical laws to fulfill the portion of the inheritance received, in the case where he fails to do so. Furthermore, the others would be obligated to provide what this person omits, since the force of the clause "jointly" requires that each one be held responsible for the whole, as if all. Furthermore, the priest Dermit, one of the executors, proposed two doubts regarding the interpretation of the will of Amalia de Arzabe, of which only one seems to concern this question, while the other challenges the authority of the Bishop in its execution, falsely believing that the testatrix had prohibited any authority from rendering a judgment on the interpretation of the will. However, the very words of the will seem to refute this, when it says: "so that no authority and power, from any title, can interpret the will of the testatrix otherwise..."

[*Latin ed. p. 212*]

212 FROM THE DECREE OF THE COUNCIL: "which mutations, and not merely interpretations, are contained therein." Therefore, the entire question seems to hinge on this: whether the testatrix, by bequeathing her inheritance for the suffrage of her soul and that of others, truly intended that the bequest be fulfilled through manual offerings, or rather through the endowment of Masses; in other words, whether the bequest, as the

Translated by churchlatin.ai, a product of Boyne Archives

Doctors say, pertains to quantity or to species. And it must be noted that the words of the testatrix contain nothing definitive regarding this matter. She only stipulated one condition for the testamentary executors, namely, that certain Masses be celebrated at the altar dedicated to Saint Joseph, leaving the number and amount of the stipends to their discretion; furthermore, she granted the executors themselves the broadest power to postpone this even beyond the four years stipulated by Spanish civil law. Therefore, it does not seem doubtful that it is within the discretion of these executors to choose one method or another for fulfilling the received bequest. However, on the other hand, it must be carefully noted that the testamentary executors are currently at odds regarding the execution of the Arzabe bequest; therefore, one has submitted the matter to the judgment of the Most Reverend Prelates, and another, although he has obtained approval for the endowment of Masses from the Ordinary, the matter remains suspended until the H. S. O. provides a response; and nothing is known about a third executor. But the bequest, as an individual entity, must receive one and the same form of execution, according to what has been stated above; and in the case of disagreement among the executors, ecclesiastical authority must intervene with its judgment, to which they are bound to submit, as taught by Amostazo (De causis piis I. 4, c. 4, n. 23). However, it should be noted that the decree of the highest authority is only valid when the executors are in disagreement or when their opinions are contrary to the will of the testatrix, and not when the majority of them legitimately agree on one course of action, even if others may dissent; for then, according to Car-

[*Latin ed. p. 213*]

VICTORIEN. 2 1 3, citing from De Luca (De Test. disp. 56, n. 10): "The will should generally prevail with the majority of the executors." However, in this case, since there are three surviving executors of the will of Arzabe, only the intentions and wills of two are known, while one clearly strives for the foundation, and another for the performance of Masses; the third, however, seems unknown to the Bishop, whether he favors one or the other. But it seems necessary for the Bishop to ascertain his opinion, because, since there is no middle ground between the performance of Masses and the foundation, and this unknown executor must lean towards one or the other, his decision could resolve the matter and determine the manner of fulfilling the will; or, at least, if all the executors disagree or do not act properly regarding the manner of execution, a way will be opened for the Bishop to give a definitive decree. Finally, when the priest Dermit challenges the "solution to the question proposed by the Most Eminent Fathers," it is worth noting that the circumstances of the time must be kept in mind, so that the will may be carried out in due manner; for a large number of Masses, left to the unlimited discretion of private executors, seems to suggest a serious

Translated by churchlatin.ai, a product of Boyne Archives

doubt about their scrupulous and proper fulfillment, especially if the status and disposition of the executors are considered. Moreover, the unlimited powers granted to the executors do not seem to be harmed by this, since, according to the opinion of the Most Eminent Fathers, the aforementioned clauses do not lack their limits, indeed, according to Mantica (De Coniect., Tit. vol. I. 8, tit. o, n. 8), and Cardinal de Luca (De Testatorum, disp. 68, n. 4), they can be reduced to the discretion of a good man. This is all the more urgent if it is considered that the executors are, at least in the forum of conscience, bound to carry out the testator's last wishes in a fitting manner. But it is undoubtedly more appropriate and secure to fulfill the will specifically through the foundation of Masses, rather than through the performance of Masses, as the very nature of the thing teaches. Indeed, if the Most Eminent Fathers deem it proper to write to the Orator,

[*Latin ed. p. 214*]

214 FROM the Most Holy Council of Sarum, the foundation for a decision must be established; then, whatever difficulty there may be is removed, when the two executors already agree in their opinion regarding the execution of the will, and then they present the law to a third executor, so that it may be brought to their attention, according to the opinion of the Most Reverend Fathers, as stated above, namely, that "the action of the majority of the executors must prevail." Finally, it should be noted that the Bishop, in his opinion, intends to add to this will the obligation of assisting the parish priest, but that the chaplain, who receives this will, should receive no other compensation besides the stipend for the Masses, as it appears. This obligation, of course, cannot be said to be contrary to the will of the testatrix. Therefore, etc. The resolution of the Most Holy Congregation of Councils, after considering all matters, gave the following response on July 18, 1903: Regarding the matter in Folio No. II, Parisian, concerning the Nullity of Marriage. On July 18, 1903, Session 24, Chapter 1, Concerning the Refusal of Marriage. Case: Franklin..., who, after the death of his father in 1875, still a young man, followed his mother to Paris in Gallia, where he was captivated by love for a certain Blanche..., with whom he began to consider entering into marriage. And because both belonged to the same sect...

[*Latin ed. p. 215*]

PARIS. Two hundred and fifteen Protestants resided, as it is asserted, still in Paris, and on January 12, 1901, they sought refuge in England, and there, before a non-Catholic minister, "in a place commonly called Poignton," on February 14 of the same year, they were joined in matrimony. But these nuptials, although they seemed to begin with a favorable omen, had so unfortunate an outcome that, although three children were born from this union, eleven years after the beginning of the marriage, the family life was

Translated by churchlatin.ai, a product of Boyne Archives

broken, and the civil court, at the request of the woman, pronounced a sentence of divorce. Afterwards, when Franklin considered entering into new marriages with a certain Catholic girl, and the previous bond hindered this second marriage, he appealed to the Parisian Court, vehemently denouncing the declaration of nullity of said marriage due to a defect in the Tridentine form, and at the same time promising that, if freed before the Church, he would be able to take the Catholic girl as his wife. However, in the initiated process, not only did he fail to keep his promises, but he also contracted marriage with the same woman before a Protestant minister; therefore, the Parisian Court suspended the case, and did not resume it, unless at the insistence of the woman Cauvin, who desired to return to a better path. Finally, after the process was completed, on October 30, 1902, the Court issued a sentence in which the marriage between Franklin and Blanche, begun, was declared null by the head of clandestine marriage. When the defender of the bond appealed from this sentence to the Holy See, the cause for its definition was proposed to the Holy Congregation under the doubt: Whether the sentence of the Parisian Court should be confirmed or rejected in this case? The arguments of the advocate for the plaintiff contended that the sentence of the Parisian Court should be confirmed in this case; which he demonstrates with several arguments.

[*Latin ed. p. 216*]

The provided text does not contain the quotation for Heb 6:9. Therefore, no changes are made.

216 FROM THE SACRED CONGREGATION. And first of all, it is noted that both spouses, although heretics, were subject to the decree "Tametsi" by reason of the domicile which both had in Paris. For the Sacred Congregation, on January 8, 1678, having approved, declared: "Even heretics, where the decree has been promulgated, are bound to observe such a form, so that their marriages, not observed with the form of the Council, although contracted before a heretical minister or a civil magistrate, are void and null." The same declaration was given by the same Sacred Congregation on January 8, 1663, and on September 3, 1772, in an Instruction to the Bishop of Geneva. Furthermore, both spouses had a domicile in Paris; for Blanca had no other domicile than that of her parents, among whom and with whom she resided in Paris itself; likewise, Franklin, still a minor, had a necessary domicile with his mother, with whom he resided in Paris. Therefore, the advocate argues, since the Council of Trent was promulgated in France and the spouses had a domicile in Paris, it follows that they, although heretics, were bound by the law of Trent, and therefore, under penalty of nullity, they were obliged to contract marriage before their own parish priest. On the contrary, the marriage was celebrated in England before a non-Catholic minister, and therefore without the proper parish priest of either spouse. Nor did the spouses request a dispensation from their own

Translated by churchlatin.ai, a product of Boyne Archives

parish priest; indeed, this dispensation cannot even be conceived, since we are dealing with heretics, to whom it is of little consequence to marry before this minister or that of their own cult. And even if a dispensation had existed, it would have been entirely invalid, because a parish priest cannot delegate to anyone except another priest, and an Anglican minister is not a true priest. But the marriage, the advocate adds, was celebrated in England, where the decree "Tametsi," since it was not promulgated there, valid marriages are contracted in the presence of any minister of any cult, provided that the contracting parties are not subject to the law of Trent, or have ceased to be subject to it, which happens through the acquisition of a domicile or quasi-domicile. But neither Franklin nor Blanca acquired a domicile or quasi-domicile in England.

[*Latin ed. p. 217*]

PARISIAN. 217 Here, however, the advocate notes in passing that in order for someone to be exempted from the laws of Trent, they must acquire a domicile in a place where those laws do not apply. Furthermore, according to him, those authors who interpret the words "with fraud" in the sense of bad faith or intentional deception are not to be heard, and that good faith is not sufficient to validly contract a marriage. Indeed, the words "with fraud" must be understood in the sense of legal fraud. To prove this, he cites what is stated by Gasparri de matr. 11, n. 985, and by Benedict XIV in Inst. Eccl. 33, n. 9. From this, the advocate argues, it is clear that no one is exempt from the laws of Trent unless they acquire a domicile or quasi-domicile in a place where those laws do not apply, without regard to the intention of the contracting parties, but only admitting of legal fraud. With these premises established, the advocate states that it is beyond all doubt that the woman, Blanca, did not have a domicile in Anglia; but she did not even acquire a quasi-domicile there. Indeed, the woman stayed in Anglia only twice, and for entirely transient reasons, which not only were not sufficient to establish a quasi-domicile, but which, in fact, excluded the possibility of one. The reason for the first stay, which did not last more than two months, was a visit to her brother, a stay in the countryside, travel by sea, and other similar matters. And even if it were granted, and it is not conceded, that Blanca acquired a quasi-domicile in Anglia during this stay, this quasi-domicile ceased to exist due to the reason for her departure, just as any quasi-domicile ceases to exist when the two elements from which it arose cease to exist. The second stay relates to the time of the marriage celebration, since the couple remained in Anglia for a short period of one month in order to celebrate the marriage, and then returned to Paris; but the reason for celebrating the marriage in itself excludes the intention of remaining for a significant portion of the year, and therefore excludes a quasi-domicile. If anyone were to object that the presumption of a quasi-domicile (of which Benedict XIV speaks in his letter "Paucis annis") arises

Translated by churchlatin.ai, a product of Boyne Archives

from a stay of one month before the marriage, the advocate responds: "Ibi agi de praeo..."

[*Latin ed. p. 218*]

218 From the Council of Trent, it is understood that the law applies only in a limited sense, and not absolutely, which indeed admits of contradictory evidence; however, secondly, this contradictory evidence is sufficiently and abundantly derived from the fact that we are not in the situation presented by Benedict XIV, who spoke of Catholics who were traveling, so that they would not contract marriage in their own diocese. But this reasoning cannot be applied to two heretics, who were completely ignorant of the law of Trent, and who had no intention of avoiding or observing it. Furthermore, thirdly, there is also a lack of the required period of residence, for the betrothed were residing in London for several days before going to the town of Paignton. Then, the lawyer presented the same argument concerning Franklin. For he did not have, nor could he have, a domicile in England, because his necessary domicile was with his mother in Paris. And indeed, it is established by law that children, or minor children, who are not emancipated from their parents' authority, retain their true domicile in the paternal or maternal home until they reach the age of majority, and that they cannot freely leave this home, unless they have reached the age of majority or have obtained emancipation. Indeed, it is certain that the plaintiff's mother established her domicile in Paris after contracting a second marriage, and that she never abandoned it; it is certain that Franklin, while under the authority of his mother, always and constantly resided with her; therefore, it is also certain that he had a domicile of law, or a necessary domicile, with his mother in Paris, which domicile is sufficient in itself to exclude any other domicile in England. Moreover, the man had no domicile, nor even a quasi-domicile, in England at the time of the celebration of the marriage; and even if it were conceded that he had acquired a quasi-domicile in the year 1890, he lost it at the time of the marriage. And indeed, a quasi-domicile is established by two elements, namely, residence and the intention of remaining in a place for the greater part of the year. The doctrine that governs this matter can be reduced to two principles: 1° That a residence of six months is, indeed, a very strong!!! basis for acquiring a quasi-domicile.

[*Latin ed. p. 219*]

PARIS. 219. The assumption of domicile is established, because a residence of six months is a serious indication of the intention of remaining for a greater part of the year. However, this assumption is only of law, and not of law and fact, and it is rebutted unless the assumption of law and fact has been established, except in the case where the assumption of law and fact has been overcome, as in Paris by the decree of the Sacred Congregation

Translated by churchlatin.ai, a product of Boyne Archives

of the Holy Office of 1899. 2°. The fact of a residence of one month is an assumption of the intention of acquiring a quasi-domicile, when someone goes to a certain place for the purpose of celebrating a marriage, who does not wish to contract marriage in the place where the Council of Trent is in force. This assumption arises from the famous constitution of Benedict XIV, "Paucis abhinc." But, according to the advocate, in this case, neither the first nor the second assumption is applicable. Not the first, because in the case of Franklin, he never spent six consecutive months in England before the marriage; and even if, by some chance, he had resided there for six months during the year 1890, nothing would follow from it; for it would have to be proven that, at the time of the celebration of the marriage, or in the last residence, he had a quasi-domicile there. Nor is the second assumption applicable: 1° because no sane person could believe that Franklin went to England for the purpose of celebrating a marriage, so that he would not contract it in the place where the decree "Tametsi" was in force; for, even if he had married in Paris, the advocate says, certainly he would not have contracted the marriage before his own parish priest; 2° because he did not reside for a period of one month in the town of Paignton, which, by itself, excludes the application of the Benedictine assumption. As for the intention of remaining for a greater part of the year, this is inferred from the reason for the residence. For Franklin came to England in the year 1890, and he did not reside there for six months in total, let alone six consecutive months; indeed, the reason for the residence was temporary, namely, a visit to his brothers, and therefore there was completely lacking the necessary reason to determine the intention of remaining for a greater part of the year. The last residence took place at the time when...

[*Latin ed. p. 220*]

220. From the deliberations of the Holy Council concerning the validity of marriages celebrated for only one month, which, therefore, cannot suffice to establish a quasi-domicile. Furthermore, the advocate contends that certain witnesses should declare the falsity of the assertion that the spouses had a quasi-domicile in Anglia; for their testimonies, besides being inconsistent with each other, contradict the testimonies of other witnesses of greater credibility. Therefore, the advocate concludes that, even if the spouses, although heretics, were bound by the decree "Tametsi" concerning their domicile in parisiensis, and if they were married outside their proper domicile without any delegation, their marriage would be null, and the judgment of the Court of parisiensis should be confirmed.

Allegations of the defender concerning the bond. The defender of the sacrament argues that there is nothing to indicate the nullity of the marriage in this case, and therefore the judgment of the Court of parisiensis should be overturned. And he raises a preliminary question: whether, in general, ecclesiastical courts are competent to hear causes con-

Translated by churchlatin.ai, a product of Boyne Archives

cerning marriages entered into between heretics. For heretics (provided they are validly baptized) are, although subject to the authority and jurisdiction of the Church by right, nevertheless in such a condition that they are not easily, and certainly not without Apostolic permission, considered admissible to bring lawsuits in our forum; given this, the case in question would, as it were, fall away by itself, and no further proceedings would be necessary. Indeed, everyone knows that the Church of Christ has always pursued heretics with aversion, calling them antichrists and seducers. And this is especially true because heretics, when they flee to the forum of the Church, seem to act a true comedy, since in a concrete case they submit to that authority which they despise in the abstract. Furthermore, heretics, being excommunicated, are deprived of the benefits of communion; otherwise, they would suffer more disadvantages, because they are often admitted to give testimony themselves.

[*Latin ed. p. 221*]

PARIS. There are 221 heretics, whom the canon law generally prohibits from giving testimony, and such cases are often entangled in inextricable complexities, especially when it is sometimes necessary to doubt the validity of baptism. It should not be objected that episcopal courts can hear cases concerning heretics relating to marriage, since the presumption arises of good faith or fidelity; but in our case, while the plaintiff, before being heard in court, spontaneously affirmed "that he was, as he declared, in a state to renounce heresy and become Catholic in order to marry a Catholic girl, if he were free before the Catholic Church," he nevertheless, in fact, spurned the promise, since the girl, before a Protestant minister, entered into marriage. Then, the defender of the marriage raises the question: whether, in general with regard to the marriages of heretics, and in particular with regard to the marriage in question, difficulties may arise from the head of baptism. For a baptism improperly conferred has no validity whatsoever, and therefore, since one who has been improperly baptized is, in essence, in the same condition before the Church as one who has not been baptized at all, he is in no way bound by the laws of the Church. But among the Protestants, baptism is often conferred in such a way that it has no value; therefore, those who are baptized in this way are truly not baptized at all, and are therefore completely exempt from the laws of the Church. Cf. Scavini in his *Theologia Moralis*, book III, edition XIII, page 184, note 218. In our case, if it is certain that the spouses were improperly baptized, their marriage will be invalid; indeed, even if it is presumed that they were at least probably baptized, it will not be possible to proceed to determine the nullity, unless first the doubts concerning the baptism of the spouses are resolved. It is not objected by the defender: every act is presumed to be done properly; for this legal maxim applies when, from commonly occurring circumstances, we can justly infer that something has been done properly. However, the

Translated by churchlatin.ai, a product of Boyne Archives

opponent does not argue: from the principle, which is even held by the Most Holy Congregations of the *Romans*, that if baptism is truly conferred, it is always to be presumed valid.

[*Latin ed. p. 222*]

222 FROM THE DECREE OF THE COUNCIL concerning matters pertaining to marriage; for this principle is valid when it is a question of preserving a marriage, or, as the jurists say, maintaining it, and not, as in our case, of dissolving a marriage. The cause is considered among the favorable ones, and therefore, once it is established that the marriage was celebrated, a judgment must be pronounced concerning its validity; this principle would be completely overturned if it were applied to a marriage which is not either valid or, at least, probably valid, except for a natural marriage lacking a valid baptism. Then, the speaker proceeds to another question, namely: how should the term "fraud" be understood in the case of those who, coming from a place where the laws of Trent regarding clandestine marriages are in force, move to a place where those laws are not in force? He observes that, although laws should generally be considered as territorial in nature, and this is in accordance with the principle solemnly proclaimed by Boniface VIII and always observed: "No one is bound to obey the law outside the territory in which it is enacted," nevertheless, this rule regarding the territoriality of laws, although generally true, is not always constant. Indeed, it begins to fail when the legislator, for just reasons, prohibits someone from obeying the law, or allows something to be done that would lead to the law being circumvented. In such a case, if someone, despite this prohibition, actually does what is allowed in order to evade the law, he is said to act fraudulently against the law; and this is true, for although such a person may seem to respect the law, because he goes to a place where it is not in force, he is nevertheless truly violating it, because he is acting contrary to the intention of the legislator. Famous examples of such prohibitions, intended to prevent fraud against the law, are provided by the canon laws, and in particular by the apostolic letters "Superna," with which Clement X, on June 21, 1670, forbade anyone from leaving his territory in order to evade the law of reservation (regarding the Sacrament of Penance); and especially by the Brief "Exponi nobis," with which Urban VIII, on August 14, 1627, forbade anyone from going elsewhere to evade the law regarding clandestine marriages. For the sake of these dispositions of Clement and Urban, no one can, who is subject to the laws of reservation or clandestine marriages.

[*Latin ed. p. 223*]

PARISIAN. He fraudulently grants a dispensation to another, and there, either validly absolves [him] or validly contracts marriage, unless, as is fitting, the fraud has been completely purged by the acquisition of a domi-

Translated by churchlatin.ai, a product of Boyne Archives

cile or quasi-domicile. Fraudulently, the defender of the bond continues, means either with the intention of the mind, so that, although it appears sufficient, the law is not truly satisfied, or by transferring [himself] where the law does not hold. For fraud consists in this, that one seems to observe the word of the law, but truly strives against its spirit, according to the rule of both laws, as related by Boniface VIII in Title De regulis iuris, No. 88: "It is certain that he who, embracing the words of the law, strives against the will of the law, commits a fault against the law." But, the orator asks, must he be considered guilty of such fraud, who, indeed, grants a dispensation to another, but not with the intention of truly circumventing the law, but, for example, for the sake of rural relocation or pilgrimage, and there, taking advantage of a suitable opportunity, either confesses or contracts marriage? In other words, besides the true and proper fraud, which certainly exists in him who expressly intends to evade the law, is there not also to be admitted a fraud of fact, consisting in the fact that someone confesses or contracts marriage elsewhere, but in his own territory, but he does not do so directly to evade the law, but for some other reason, such as convenience, prompting him? Many, the orator continues, admit that a fraud of fact is equivalent to a fraud of law, and consists in the fact that, while one ought to celebrate marriage before his own parish priest, he celebrates it before another, and is therefore considered to be defrauding both the parish priest and the law at the same time. But the defender of the Sacrament adheres to the opinion of those who even today vehemently maintain that such a fraud of fact is nothing more than a vain commentary, completely foreign not only to the words of Urban VIII, but also to common sense and to the rules of law. And in truth, he says, Urban, giving a most excellent response from the Most Holy Council in 1626 to the Archbishop of Cologne, clearly speaks of those who, when the law of Trent—

[*Latin ed. p. 224*]

22. Since the canons of the Council are observed, and someone transfers or moves to another place where they are not in force, they are not subject to the prohibition. Therefore, the speaker argues, the one who transfers or moves without fraud does not fall under the prohibition. In this sense, the Sacred Congregation of the Propagation of the Faith, in its response to the Bishop of Heliopolis in 1670, to question 3, which was formulated as follows: "Can someone who has heard the decree of the Council concerning marriages in their own parish, validly contract marriage in other places where the decree has not been published, without a priest?" responded: "To question 3, it is permissible, according to the decree of the same Sacred Congregation, provided that it is not done fraudulently." If one objects to the authority of the Sacred Congregation, which, according to some, gives a different interpretation to the disposition of Urban, extending it to fraud in the mere fact, the defender of the bond replies that neither

Translated by churchlatin.ai, a product of Boyne Archives

one nor the other response, by itself, creates law, nor can it be proven that the jurisprudence of the Holy See in this interpretation has been such that, from repeated decisions, a true judicial custom has been formed. Nor does the authority of Benedict XIV, cited by the advocate in his Institutes, XXXIII, n. 9, move the speaker, for the author of these Institutes, he says, is not Benedict XIV, the Roman Pontiff as a legislator, but Prosper Lambertini, a private doctor. Finally, the defender of the Sacrament begins his argument on the last question: whether such a fraud can fall under the category of those who are attached to a heretical sect, and whether it is to be recognized in Protestants, Bianca and Franklin. And he answers negatively, because if it is fully permissible to challenge the theory of fraud in the mere fact in general, it will be even more permissible to do so when it comes to heretics, or Protestants, born and raised in the Catholic sect. Indeed, the interpretation of fraud, recognizing the mere fact, is foreign to the words of the disposition of Urban. But, and even more so, when it comes to heretics, who certainly do not transfer or move to places where the decree is in force, even if they avoid their parish priest; for in no way can one fraudulently grant permission to avoid the parish forum to one who knows absolutely that he has a parish priest.

[*Latin ed. p. 225*]

PARIS. 225 Furthermore, the speaker stated, even granting and conceding, that the disposition of Urban [VIII] extended by judicial custom even to cases of fraud, no one can assert without temerity. This interpretation, he argued, also applies to heretics, whom the original disposition of Urban certainly did not concern, since it was conceived with regard to those acting fraudulently, in which kind of fraud heretics are often incapable, given that they are completely ignorant of the law. With all of the above premises, the defender of the Sacrament requests three things: 1° that, with a preliminary response, a judgment be given on the question of whether heretics should be included in cases concerning matrimonial causes, to be brought before our court, or not; 2° that, with a delaying response, it be ordered that the collation and legitimacy of baptism received from both sponsors be more thoroughly taught; 3° that, with a delaying response, the question be resolved on the point of law: "Whether heretics, born and raised in the sect of the *catholica*, are also included in the law of Urban, which prohibits marriage being contracted fraudulently." Therefore, the following question was proposed for consideration: "Whether the judgment of the *Cattolica* of Paris should be confirmed or rejected." The Sacred Congregation of the Council, after mature deliberation, on July 18, 1903, decided to respond: "The judgment should be confirmed." Collations. I. Heretics are also bound by the decree "Tametsi" of the Council of *Tridentini*, when they reside in those places in which such a decree has been promulgated. II. Hence, heretics, residing in the place where the decree "Tametsi" has been pub-

Translated by churchlatin.ai, a product of Boyne Archives

lished, and proceeding with fraud, are also...

[*Latin ed. p. 226*]

226 FROM THE DECREES OF THE COUNCIL: Marriages contracted in a place where the Council's decrees have not been promulgated are considered invalid and null. III. Regarding the interpretation of the formula "with fraud," the Doctors are divided into two opinions. Some interpret it as referring to subjective deceit or fraud, which consists in the intention of circumventing the law; others interpret it as referring to objective or legal fraud, which consists in an act contrary to the law. However, the Congregation of the Council seems to lean towards the second opinion in its decisions, as in the present case. IV. In the specific case, the spouses resided in Gallia, and neither acquired a domicile nor a quasi-domicile in Anglia; moreover, there was no delegation, nor could there have been, from the part of their own parish priest for the celebration of the marriage in Anglia. Therefore, the Fathers judged the marriage to be null in the case of clandestine marriage, according to the head concerning clandestinity. ON PAGE Number VII. SYPONTINE JURISDICTION, July 18, 1903. Session 22, chapter 9, regarding the case. In the town of "S. Giovanni Rotondo," within the archdiocese of Sypontinae, there exists a confraternity of the Most Holy Sacrament in the church of S. Catharinae. The rector of the church and the confraternity was Canon Michael Limongelli until the year 1900, when he assumed the rectorship of another church, S. Ioannis Baptistae. At that time, a dispute arose between Canon Limongelli and the confraternity concerning certain sacred furnishings, of which...

[*Latin ed. p. 227*]

At Sypontinus, the two parties claim ownership of the following items: 1. a silver reliquary, 2. a silver crown, 3. a manuscript book, entitled "Platea," taken from ancient documents now lost, containing the administration of revenues and the confraternity, 4. a chalice veil. Furthermore, the priest Limongelli raises another question concerning the ownership of the statue of Saint Agnes, between the aforementioned confraternity and the pious Union of the Daughters of Mary, of which he himself was formerly the spiritual director. These objects were customarily kept by Canon Limongelli at his home, and he would only bring them to the church of Saint Catherine on the occasion of some feast day, immediately taking them back to his prestige afterward. Therefore, when in the year 1900, Canon Limongelli renounced his office as director of the confraternity of the Most Holy Sacrament, he refused to hand over these items to the confraternity, whereupon the confraternity petitioned the archdiocesan Curia to obtain their return. On June 24, 1900, the Archbishop of Sypontinus, having instituted a pastoral visit to the place called "San Giovanni Rotondo," took with him the disputed items and entrusted them to the care of the Vicarius Foraneus;

Translated by churchlatin.ai, a product of Boyne Archives

meanwhile, Canon Limongelli was urged to relinquish the church of Saint John the Baptist and to once again assume the directorship of the church of Saint Catherine and the confraternity of the Most Holy Sacrament, in order to quell the discord. However, Canon Limongelli refused, and on July 15, 1901, the Archbishop suspended him from hearing the confessions of the faithful. Finally, on January 8, 1902, the Ordinary of Sypontinus himself, despite the ongoing controversies and occasions for disturbance, after a brief examination of the case, issued a judgment contrary to the opinion of Canon Limongelli, ordering that the religious items be returned to the confraternity of the Most Holy Sacrament. However, he issued no judgment concerning the ownership of the statue of Saint Agnes. Canon Limongelli did not acquiesce in this judgment, and on January 16, 1902, he appealed to the Holy See. Therefore, the matter is now brought forward to be decided on the following points:

[*Latin ed. p. 228*]

228 FROM THE DECREES OF THE COUNCIL. I. Whether the sentence of the Archbishop of January 8, 1902, should be confirmed or annulled in this case? II. Whether the statue of Saint Agnes, Virgin and Martyr, should be restored to the priest Limongelli, or rather, whether the sum, expended in the case, should be restored to him for the purpose of obtaining a new statue. The Canon Limongelli principally alleges that he was unjustly deprived of his possession before the pronouncement of the sentence, and that after the sentence, having interposed an appeal, the Archbishop issued a decree of suspension against him, contrary to the rule of law: "That nothing should be innovated while a dispute is pending." Then, the advocate proceeds to claim the legitimate right of property for himself. Regarding the reliquary and the crown, the priest Limongelli argues that the name "Michele Can. Limongelli" has already been inscribed on them since 1886; and he presents a bill of expenses and the names of the engravers as proof. Furthermore, the canon argues that his adversaries, knowing that he had made this affirmation of ownership, did not object, and therefore, they implicitly and clearly acknowledged that those things belonged to Canon Limongelli. Therefore, he today claims ownership of these items, at least by prescription, by virtue of such a long and peaceful possession. Then, the canon notes that the objects in question have always been kept in his home, and that he has freely made them available to the members of the confraternity for the performance of sacred ceremonies. Furthermore, the priest Limongelli presents several written testimonies from which it is clear that these items were purchased at his expense and have always remained in his possession and use; indeed, he states that he has refused offerings from the faithful who wished to contribute to their purchase. Witnesses are available who establish the canon's right of property from the fact that the name of the aforementioned individual is inscribed on the disputed objects;

Translated by churchlatin.ai, a product of Boyne Archives

finally, five members of the confraternity of the Seven Sorrows assert...

[*Latin ed. p. 229*]

In Syponte, the priest Limongelli was often seen, and indeed frequently, using the display case in the church of Saint Nicholas. Finally, the canon argues that in the year 1895, the church of Saint Catherine was placed under interdict by the Archbishop of Syponte, and therefore all the sacred furnishings of the confraternity of the Most Holy Sacrament were entrusted to the priest Limongelli for safekeeping; however, in September of the year 1896, he returned these furnishings, except for those items which are now under dispute, and yet he had written acknowledgments from the confraters, in which they testified that they had received all that belonged to them. Regarding the book of administration and the chalice cover, Canon Limongelli simply asserts that these have always been in his possession, because the cover was purchased by him at his own expense, and the book was written by him and intended for his own use, as the inscription on the book indicates: "for the use of Canon Michele Limongelli." In general, Canon Limongelli asserts without ambiguity that he acquired all these items, which were needed by the confraternity and other churches, with the intention of renting them out for a certain fee, from which he and his unmarried sisters would derive the necessary means of subsistence. Finally, with regard to the statue of Saint Agnes, Canon Limongelli asserts that, at his own expense, he acquired the statue at the request of the pious Union, but with the understanding that the faithful, and especially the sisters of the pious Union, would contribute a sum, as they had promised; also, he paid for the purchase of the clothing and ornaments for the statue. The expenses that he incurred on behalf of the pious Union amount to 340 livres; therefore, he concludes that if 75.75 livres, which were actually received by the pious Union, are deducted from these 340 livres, then 264.25 livres remain to be paid, and yet the pious Union refuses to refund this amount. Nevertheless, the aforementioned canon maintains that he is entitled to the statue of Saint Agnes, since he has paid for almost the entire cost of it.

[*Latin ed. p. 230*]

230. From the Allegations of the Most Holy Council: Contrary arguments. On the contrary, the confraternity claims ownership of the repository and the crown, as well as the veil and the manuscript book. Regarding the repository and the crown, the confraternity maintains that the acquisition of these items was due to the offerings of the faithful, as evidenced by the very records presented by Canon Limongelli. Furthermore, the confraternity states that the aforementioned canon, without using ambiguous language, declared that the crown had been acquired through the offerings of the faithful, while performing the solemn function of placing the crown upon the forehead of the sacred

Translated by churchlatin.ai, a product of Boyne Archives

image. The confraternity reports that the canon said to the faithful, "You are the representatives of the faithful in placing this crown upon the forehead of the Blessed Virgin." Indeed, Canon Merla testifies that Canon Limongelli at that time thanked the faithful, as if they were the givers of the offerings. And especially concerning the repository, the members assert that the canon did not even attempt to contradict the declaration given by the faithful offerers before the Vicarious Forane. Although they cannot produce more numerous witnesses, this depends on Canon Limongelli himself, who may be attempting to corrupt witnesses or restrain them through fear. Furthermore, the members point out that from the very nature of these objects, it is clear that they belong to the cult and to the Church, since it cannot even be conceived that a priest would acquire these things for his own private property. Indeed, jurists argue that the ownership of things is determined by their purpose, as by their ultimate end. And concerning the repository, the members assert that it was made when Canon Limongelli was the chaplain of the confraternity, which at that time lacked a repository. As for the crown, it is like a third crown, or a supplementary addition to the crown already placed upon the forehead of the Blessed Virgin; the accessory follows the principal. Moreover, the members note that the name of Canon Limongelli was inscribed both on the crown and on the repository; for...

[*Latin ed. p. 231*]

SYPONTINA 231 observes that this matter appears to be arbitrary and reprehensible, after it has been demonstrated through evidence that these items were purchased with offerings from the faithful, and after Limongelli himself asserted that he had done so in order to protect the items from the danger of fiscal confiscation. To Limongelli's objection, supported by a testimony given by his confreres, in which the reliquary and the crown are not mentioned, the members reply that neither should have been included in that testimony, because other sacred objects, but not these, were sold due to the necessity of the confraternity. And because the canon presents testimonies in which he asserts that he rejected certain offerings from the faithful, and declared his intention of purchasing the reliquary and the crown at his own expense and into his own possession, the confraternity responds that this demonstrates to the highest degree that the offerings already collected were sufficient and abundant, as testified by a certain Constantia Tortorelli. Regarding the chalice veil and the book called "platea," the confraternity asserts that both belong to it, because the chalice veil was acquired with funds from the confraternity, and because the Archbishop, during the sacred visitation, listed the veil in the inventory of the church of Saint Catherine; and because the book was written arbitrarily and for profit by Limongelli himself, from ancient and valuable documents now lost, which belong to the confraternity; furthermore, it is by no means per-

Translated by churchlatin.ai, a product of Boyne Archives

missible, without the Lord's permission, to reproduce copies of any book of value, and if such copies are made, they belong to the owner. Finally, the members conclude their observations, recalling that the present dispute is due to the fault of Canon Limongelli, who refused to agree to a transaction that a certain conciliatory priest, in the name of the Bishop, had sought to arrange. This entire matter consists in examining the documents presented from various sides, in order to determine whether the intention of Canon Limongelli, who claims ownership, is more credible, or that of the confraternity, which contradicts him. If the confraternity...

[*Latin ed. p. 232*]

252 From the cited canon of the Council, it does not appear that the inventory of its patrimonial goods and furnishings (except for the veil) has been legitimately recognized by the Archbishop; and indeed, he proceeds in this manner in judgment until it is clearly demonstrated to the one who is being inventoried that something does not pertain to him. Finally, referring to the statue of Saint Agnes, the pious Association of the Daughters of Mary does not seem to deny that it owes the aforementioned sum of 264,25 [units of currency], but nevertheless, it maintains that the statue belongs to it, since the pious Association decided to purchase this statue in order to promote the cult of its heavenly patron more effectively. Therefore, this final question is presented under this aspect, in order to determine whether the canon Limongelli is the owner of the statue, or rather, whether he has only the right to have reimbursed the expenses which, in the name of the pious Association, he incurred in purchasing the statue. Let the following questions be posed: I. Should the sentence of the Archbishop of January 8, 1902, be confirmed or rejected in this case? II. Should the statue of Saint Agnes be returned to the priest Limongelli, or rather, should the sum, representing the expenses incurred in the purchase of the statue, be returned to him in this case? Resolution: The Fathers have given the following answers: To I: The sentence should be confirmed according to its tenor and intent. To II: Negatively to the first part; affirmatively to the second part. *summa*

[*Latin ed. p. 233*]

FROM THE DECREE 233 OF THE HOLY GENERAL COUNCIL. Vicars of Parishes are, by their very nature, removable. Most Reverend and Reverend Lord, I have been greatly astonished by the interpretation that I found in a certain publication, written in letters concerning a mandate from the Most Holy Lord, drafted by the undersigned Secretary of this Holy Congregation, addressed to the Reverend Priest N. N. This letter contains two parts. In the first, it is stated that His Holiness, after careful consideration, deemed it not expedient to examine the case of this priest in the general assemblies of the Holy Congregation. In the second, it is asserted, considering the series of events and having taken into account

Translated by churchlatin.ai, a product of Boyne Archives

what Your Eminence has reported, that no detriment has been caused to the good name and honor of this priest. Indeed, because His Holiness denied a new examination of the case, the resolution of this Holy Congregation was confirmed, which had repeatedly refused to admit the complaint of this priest against the Ordinary concerning his transfer from one parish to another, for the purpose of exercising the office of vicar, and thus the decision of the archiepiscopal court of Paris was considered valid. And although this decision was unfavorable to the aforementioned priest, it cannot be doubted that it was just and in accordance with the canonical laws, since vicars, or coadjutors of parishes, are, by their very nature, removable; and not only for reasons of fault and disciplinary causes, but also for reasons of expediency and for the greater good of the Church, they can be transferred by the judgment of their Ordinary, especially in France, from one place to another, without being able to bring a complaint of injury or damages. Moreover, in the case of the priest N. N., this was even less permissible, because from his own confession it is clear that there was a disciplinary reason for his removal or transfer. His shrewdness in demanding the condemnation of a certain confrere of his, and his reluctance to accept the judgment of his Ordinary, were less in accordance with order and ecclesiastical discipline, and deserved some correction. However, because an error in action and some excess in methods, especially if arising from a zeal for justice, albeit untimely, do not dishonor a man, and since Your Eminence testified to the good morals and honest life of this priest, therefore the words added in these letters are, indeed, for the praise and honor of the Reverend N. N., but they cannot in any way be turned into a condemnation by the archiepiscopal court of Paris.

[*Latin ed. p. 234*]

254 FROM THE HOLY GENERAL COUNCIL. For these things were added because, when the aforementioned Reverend Fathers claimed that their honor had been harmed in the translation, it was judged that these words and the favorable testimony of the Holy See removed the principal cause of complaint. But now, with sorrow, I see this priest repaying good with evil, attempting, with scandal, to pervert, according to his own judgment, those things which are written for a good purpose, turning them to the ruin of others, and leading them down a path that leads to destruction. Therefore, I beseech Your Eminence to seriously admonish this priest about all of these matters, and, through the paternal charity and patience which he possesses, to strive to bring him back to sounder senses. May God grant that the Reverend Father N.N. may hear these paternal admonitions, and that he may take care not to be the cause of new evils and sorrows, both to himself and to the Church, in these calamitous times. And I humbly kiss the hand of the same Your Eminence. Rome, 9th of June, 1903.

Translated by churchlatin.ai, a product of Boyne Archives

VINCENTIUS Card. VANNUTELLI, Prefect.

L. * S. f

B. CAVICCHIONI, Arch. Nazian., Secretary.

To the Most Reverend Cardinal Archbishop of Paris.

[*Latin ed. p. 235*]

235. FROM THE HOLY CONGREGATION OF RITES OF SPAIN, an Indult is granted, permitting the omission of the phrase "and Christian captives..." in the Collect "O Almighty God, you know..." in Spain. By Decree of the Sacred Congregation of Rites of the Province of the Church of Saint James of Chile, on July 19, 1873, in the presence of Pope Pius IX, it was conceded to the Chilean jurisdiction that in the Collect "O Almighty God, you know...", the phrase "and Christian captives who are held in the power of the Saracens, that you may deliver them by your mercy" be omitted. Now, for the same reasons, the Most Reverend and Most Illustrious Lord Cardinal Joseph Martin de Herrera, Archbishop of Santiago de Compostela, together with other Archbishops of Spain, humbly implored the Most Holy Lord Pope Leo XIII, that the aforementioned Indult be extended to the entire territory of Spain. Furthermore, His Holiness, referring to the aforementioned Cardinal Prefect of the Sacred Congregation of Rites, having considered the particular circumstances, deigned to grant the requested extension of the aforementioned Indult for the entire territory of Spain, notwithstanding any objections whatsoever. August 19, 1902. D. CARD. FERRATA, Prefect. * S. f D. PANICI, Archbishop of Laodicea, Secretary.

RESCRIPT. Regular clergy who have their own calendar are not bound by the Offices of the place where they reside.

Reverend Father Eulogius Villafranca, Priest of the Congregation of Missionaries of the Sons of the Immaculate Heart of the Blessed Virgin Mary, and organizer of the calendar, with the consent of his Most Reverend Superior General, humbly submitted the following questions to the Sacred Congregation of Rites for a suitable solution, namely:

I. Do alumni of said Congregation, after the recent granting of their own calendar, observe, except for the Feasts of their Patronal Title, of their Patrons, and of the Dedication of the Cathedral Church, the...

[*Latin ed. p. 236*]

236. Has Offices and Masses been granted to a certain Kingdom or Diocese, with a mandatory clause for the entire secular and regular clergy?

II. Since it is not evident from the written documents who is the titular saint of the church annexed to the monastery and erected in the place called Sancti Dominici, which the faithful commonly call S. Francisci Ass.; and since in the altar, both the Blessed Virgin Mary of the Angels and S. Franciscus are represented, the former in the act of receiving the Sacred

Translated by churchlatin.ai, a product of Boyne Archives

Stigmata; the question arises: who is the titular saint of the church? And the Sacred Congregation, after considering the report of the undersigned Secretary, and also the unanimous opinion of the Liturgical Commission, decided to respond as follows: To I. Negatively, and in the intended sense. The meaning is that regular clergy are not bound to the Offices of the place where they reside, unless they use the calendar of that place (1). To II. In this case, both the Blessed Virgin Mary of the Angels and S. Franciscus Assisiensis should be considered as co-titulars, equally principal. And thus it responded. On December 6, 1902. D. CARD. FERRATA, Prefect. L. * S. D. PANICI, Archbishop of Laodicea, Secretary.

(1) The general rule is: Regular clergy are not bound to the Offices of the place where they reside, unless they use the calendar of that place. Hence, the rescript of May 8, 1905, for the Society of Missionaries of S. Ioseph in America latina, regarding the feast of S. Thuribii of the second class, is a particular decree: Cf. Acta S. Sedis, vol. XXXV, page 738. The same seems to apply to another decree of March 20, 1683, for the Religious Order of the Observance: for the question was, "Whether (the Religious of the Order of the Observance) can and should recite the Offices granted to be recited by the Kings and Princes in certain kingdoms, provinces, jurisdictions, etc., by the entire clergy, both secular and regular, on fixed days, e.g., of the Blessed Virgin Mary of Monte Carmelo on July 16, of S. Rosa Virgin of Limana on August 30, of R. Ferdinand King of Castile on May 30, and similarly in other jurisdictions?" The answer was: "Affirmatively, where the concession extends also to the Regular clergy."

[*Latin ed. p. 237*]

FROM THE SACRED RITUALS, 257, OF THE ORDER OF PREACHERS, the monastery of Lyra is granted the solemn Mass of Saint Apollonia. In the church of the monastery of Lyra, of the Order of Preachers, located within the boundaries of the Archdiocese of Mechlin, the holy virgin and martyr Apollonia is most devoutly venerated by the faithful, whose feast day is the ninth of February, according to the Roman Martyrology. Although in the Breviary of that Order itself, only a memory is made of this same holy virgin and martyr on that day, when the Office of the blessed Bernard Scammaca, confessor, is celebrated; today, the aforementioned Prior of the aforementioned monastery humbly requested our Most Holy Lord Pope Leo XIII, with the most humble prayers, that a single solemn Mass, according to the customary manner, of Saint Apollonia might be celebrated on the ninth of February. Furthermore, the Sacred Rituals Congregation, using the faculties specially granted to it by the same Most Holy Lord, and attentive to the duty of commendation by the Most Reverend Procurator General of the aforementioned Order, benignly granted the request: provided that it does not occur on a privileged Sunday, or on the fourth day of the Feria of Ashes, nor is the Conventual Mass, corresponding to the

Translated by churchlatin.ai, a product of Boyne Archives

Office of the day, omitted; the rubrics being observed. March 2, 1903. S. CARD. CRETONI, Prefect. L. % t S. f D. PANICI, Archbishop of Laodicea, Secretary. DECREE concerning Masses for the Repose of the Souls. Today, the Master of Ceremonies of the Cathedral Church of Jaca, in Spain, with the consent and mandate of his Most Reverend Bishop, humbly presented the following to the Sacred Rituals Congregation: In some parishes of the Diocese of Jaca, a custom has prevailed, which is of immemorial antiquity, whereby, after the Office is performed, three Masses are celebrated at the funerals of the deceased, of which the first two are celebrated of Saint and without Ministers, in the double rite, or of Repose, in the rite...

[*Latin ed. p. 238*]

238 "Permitting, according to the Sacred Rites, and indeed, as is commonly done by priests assisting at funerals, the Office for the Dead and the Mass for the Dead are sung successively on the day of the funeral. Hence, the following question arises: Whether, by virtue of the privilege granted to the same Diocese of Jaca, which allows for the singing of two Masses for the Dead each week, it is permissible for those two Masses, the first of which is celebrated on the same day as the funeral within the same church and at the same altar, without ministers and with singing after the Office of the Dead, to be Masses for the Dead in the minor and major vigils, according to Decree No. 3472, Tarantasien, December 18, 1878? And the Sacred Congregation itself, after considering the report of the undersigned Secretary, and after a careful deliberation by the Liturgical Commission, decided to respond as follows: "Let Decree No. 29, issued on June 23, 1846, be amended to XI" (1). And thus, it responded, on September 2, 1903. S. CARD. CRETONI, Prefect of L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. DECREE of the Congregation for the Propagation of the Faith, granting permission for the feast of the Patronage of St. Vincent de Paul to be observed by the Missionary and Daughters of Charity Congregations. In order that the cult and piety towards St. Vincent de Paul, Father and Founder of the Missionary Congregations and the Daughters of Charity, as well as the special Patron of all Societies of Charity, may be fostered and promoted, the Most Reverend D. Anthony Fiat, Superior General of the aforementioned Congregations, requested from His Holiness Pope Pius X (1) the aforementioned amendment to XI: "In some churches of this diocese, on the day of the burial of certain deceased persons, with the Office and Mass for the Dead sung in the presence of the body, it has become customary to sing again two or three Nocturns for the Dead, and as many Masses for the Dead, even in the minor and sometimes major vigils, still in the presence of the body; so that on the same day, the Office and Mass for the day of death, the third day, the seventh day, and the thirtieth day after the burial of the deceased are celebrated. The question is asked: Whether such a custom is permissible on the minor or major vigils, still

Translated by churchlatin.ai, a product of Boyne Archives

in the presence of the body; or whether it should be abolished, as it is contrary to several Decrees of the Sacred Congregation of Rites. R. To XI: "It is tolerated, as far as the Office for the Dead is concerned; it is to be abolished, as far as the Masses are concerned; which must be only one, according to other decrees already issued."

[*Latin ed. p. 239*]

From the Sacred Congregation for Rites, document 239, it is requested that in the churches and chapels of the Congregation of the Missions and the Daughters of Charity, the feast of the patronage of Saint Vincent de Paul may be celebrated annually on December 20th, with the proper Office and Mass, according to the schema submitted for the approval of the Apostolic See; as has been granted to other Orders or Congregations for the feast of their holy Founders. This Office and Mass were proposed by the Most Reverend and Right Reverend Cardinal Vincent Vannutelli, Bishop of Praenestinus, and Promoter of the Cause, in the Ordinary meeting of the Sacred Congregation for Rites, held on the aforementioned date at Vatican. The Most Reverend and Right Reverend Fathers presiding over the Sacred Rites, after mature deliberation, and after hearing the Reverend Father Alexander Verde, Promoter of the Faith, judged it fitting to write: "For the sake of, and with the consent of, the Promoter of the Faith." On September 1, 1903. Subsequently, these matters were reported to His Holiness by the undersigned Secretary of the Sacred Congregation for Rites, and His Holiness approved the judgment of the Sacred Congregation itself; and He deigned to approve the aforementioned Office with the Mass, revised and amended, and to grant that the feast of the patronage of Saint Vincent de Paul be celebrated on December 20th, with a double major rite, in the churches and oratories of the Congregation of the Missions and the Daughters of Charity, observing the rubrics. Contrary decrees notwithstanding. On the 7th day of the same month and year. M. CARD. MOCENNI L. * S. f DIOMEDES PANICI, Archbishop of Laodicea, Secretary. On the third day of the week, November 10, in the year 1903, an Ordinary-Royal Congregation of the Sacred Rites was held in the Apostolic Palace at Vatican, in which the following causes were presented: 1. Neapolitana - For the beatification and canonization of the Venerable Servant of God, Father Modestinus of Jesus and Mary, a professed priest of the Order.

[*Latin ed. p. 240*]

240 "FROM THE SACRED RITUALS OF THE Brothers Minor of Saint Francis. - Regarding a Doubt: "Whether it is established that the processes, both those conducted with Apostolic and Ordinary authority, are valid, if the witnesses have been duly and properly examined, and if the evidence presented has been legitimately obtained, in the case and for the purpose in question?" - Before the Most Eminent and Reverend Cardinal Vincent Van-

Translated by churchlatin.ai, a product of Boyne Archives

nutelli, presiding. 2. Bayonne. - Concerning the Beatification and Canonization of the Venerable Servant of God, Michael Garicoïts, priest, founder of the Congregation of the Presbyters of the Most Sacred Heart of Jesus. - Regarding a Doubt: "Whether it is established that the process, conducted with Apostolic authority, in the ecclesiastical court of Bayonne, concerning the reputation of the sanctity of life, virtues, and miracles of the aforementioned Venerable Servant of God, is valid and relevant, in the case and for the purpose in question?" - Before the Most Eminent and Reverend Cardinal Ferrata, presiding. 3. Anzio. - Concerning the Beatification and Canonization of the Venerable Servant of God, Brother Benildus, of the Congregation of the Brothers of Christian Schools. - Regarding a Doubt: "Whether the sentence pronounced by the Reverend Judge, delegated by the Reverend Bishop of Anzio, concerning the cult offered to the aforementioned Venerable Servant of God, or concerning the obedience rendered to the decrees of the Most Holy Pope Urban VIII, should be confirmed, in the case and for the purpose in question?" - Before the Most Eminent and Reverend Cardinal Ferrata, presiding. 4. Angers. - Concerning the Beatification and Canonization of the Venerable Servant of God, Joanna Delanoue, foundress of the religious order of the Sisters of Saint Anne of Providence. - Regarding a Doubt: "Whether it is established that the process, conducted with Apostolic authority, in the court of Angers, concerning the reputation of the sanctity of life, virtues, and miracles of the aforementioned Venerable Servant of God, is valid and relevant, in the case and for the purpose in question?" - Before the Most Eminent and Reverend Cardinal Mathieu, presiding.

[*Latin ed. p. 241*]

241 FROM THE HOLY CONGREGATION FOR INDULGENCES AND SACRED RELICS: A SUMMARY of Indulgences, Privileges, and Dispensations granted to the members of the Secular Third Order of the Most Holy Virgin of Mount Carmel.

I. Plenary Indulgences:

(1) Granted to Tertiaries of both sexes who are truly penitent, having confessed and received Holy Communion:

1° On the day of their entrance into the Third Order;

2° On the day they first make their vows;

3° Once a year, on the day they renew their profession;

4° On the day they attend together a monthly sermon or conference;

5° As often as they may have the opportunity, for eight consecutive days, dedicating themselves to meditation with a steadfast spirit;

6° Once a month, at their discretion.

B. To the same Tertiaries, if they pray as prescribed above, according to the intention of the Supreme Pontiff:

Translated by churchlatin.ai, a product of Boyne Archives

1° Twice a year, when they receive the Blessing in the name of the same Supreme Pontiff;

2° On the following feast days, on which they receive General Absolution:

1° On the Nativity of Our Lord Jesus Christ;

2° On Easter, the Resurrection;

3° On Pentecost.

(1) We wish to remind our readers that this is *only* an index of Indulgences, encompassing both Orders of Carmelites, namely the Ancient Observance and the Discalced, and that it is complete; for we have seen a certain ephemeral publication presenting the aforementioned Catalog as incomplete, relating only to the Discalced Carmelites.

Acta, Vol. XXXVI, page CDXXIV, line 16.

[*Latin ed. p. 242*]

From the Indulgences of the Most Holy Body of Christ: 4th, of the Blessed Virgin Mary; 7th, of Saint Joseph, Spouse of the same Blessed Virgin; 8th, of Saint Theresa, Virgin; 9th, of All Saints. For the same Tertiary members, who, as above stated, devoutly visit the church of the Order, or where the seat of the Sodality is established, or, in its absence, the respective parochial church, on the following feast days: 1st, of the Most Holy Trinity; 2nd, of the Circumcision of Our Lord Jesus Christ; 3rd, of the Ascension; 4th, of the Most Holy Heart of Jesus; 5th, of the Purification; 6th, of the Assumption; 7th, of the Annunciation; 8th, of the Visitation, of the Blessed Virgin Mary; 9th, of the Nativity of the Blessed Virgin; 10th, of the Presentation; 11th, of the Immaculate Conception; 12th, of Saint Andrew Corsini, Bishop and Confessor (February 4th); 13th, of Saint Peter and Saint Thomas, Bishops and Martyrs (February 14th or 15th); 14th, of Saint Avertanus, Confessor (February 25th); 15th, of Saint Cyril, Confessor (March 6th); 16th, Feria V in Coena Domini (Friday of Holy Week); 17th, of Saint Joseph, Spouse of the Blessed Virgin Mary (March 19th); 18th, of Saint Baptist Mantua, Confessor (March 23rd); 19th, of Saint Berthold, Confessor (March 29th); 20th, of Saint Joan of Toulouse, Virgin (March 31st); 21st, of Saint Albert, Bishop and Legislator of the Order (April 8th); 22nd, of the Patronage of Saint Joseph (Third Sunday after Easter); 23rd, of Saint Michael the Archangel (May 5th); 24th, of Saint Simon Stock, Confessor (May 16th); 25th, of Saint Mary Magdalene de' Pazzi, Virgin (May 25th); 26th, of the Blessed Virgin Mary of Mount Carmel, as often as (July 16th); 27th, of Saint Elijah the Prophet (July 20th); 28th, of Saint Anne, Mother of the Blessed Virgin Mary (July 26th); 29th, of Saint Albert, Confessor (August 7th).

[*Latin ed. p. 243*]

FROM THE SACRED DECREE ON INDULGENCES, 243, 30°: Saint Joachim, Father of the Blessed Virgin, Confessor (Sunday within the

Translated by churchlatin.ai, a product of Boyne Archives

Octave of the Assumption); 31°: Commemoration of the Scourging of the Heart of Saint Therese, Virgin (August 27th); 32°: Saint Brocard, Confessor (September 2nd); 33°: Saint Therese, Virgin (October 15th); 34°: Feast of All the Saints of the Order of the Blessed Virgin of Mount Carmel (November 14th); 35°: On the day commemorating all the deceased members of the Order, for the deceased only (November 15th or 16th); 36°: Saint John of the Cross, Confessor (November 24th); 37°: Saints Dionysius and Redemptus, Protomartyrs of the Discalced Order (November 29th); 38°: Saint Francis, Confessor (December 11th or 17th).

D. In articulo mortis, if, as stated above, or at least, "contrite, they have invoked the Most Holy Name of Jesus with their mouth, if they are able, or, if not, with their heart.

II. Indulgences of Stations: On the days of Stations, as described in the Roman Missal, the tertiaries, if they visit the church of the Order, or, if that is not possible, the church in which the sodality is established, or, in their absence, their own parish church, and there pray according to the wishes of the Supreme Pontiff, obtain the same indulgences that they would gain if they personally visited the churches of the city or outside of it, provided that all other conditions are fulfilled.

III. Partial Indulgences:

A. Of five years and forty days, if they have accompanied the Most Holy Sacrament when it is being brought to the sick; or if they have been present at the singing of the antiphons "Salve Regina," which are solemnly sung by the Brothers in the churches of the Order on Saturdays and on the vigils of the feasts of the Blessed Virgin.

B. Of three years and forty days, on any of the feasts of the Blessed Virgin, which are celebrated by the entire Church.

[*Latin ed. p. 244*]

244 FROM THE STATUTES CONCERNING INDULGENCES: Those who devoutly visit the church of the Order, or of the Sodality, or, if neither exists, their parish church, shall gain three hundred days for each time they perform some pious work of piety or charity with at least a contrite heart and devotion. All and each of the indulgences hitherto enumerated, except for the plenary indulgence to be gained at the hour of death, are also applicable to the souls detained in Purgatory. IV. PRIVILEGES FOR THE TERTIARY PRIESTS: 1. Priests of the Tertiary Order, celebrating Mass at any altar, enjoy the personal privilege of the altar for three days each week, provided that they do not obtain a similar privilege for another day. 2. All Masses celebrated in suffrage for the deceased members of the Sodality are always and everywhere privileged. V. INDULGENCES FOR THE TERTIARY: 1. All Tertiary members residing in places where there is no church of the Order may gain all the indulgences granted to the

Translated by churchlatin.ai, a product of Boyne Archives

same Tertiary members by visiting the churches of the Order, under the condition that they visit their respective parish church, observing all other legally required conditions. 2. If the Tertiary members are infirm, or have been permanently hindered by some other impediment from going outside their home, they may gain the same indulgences, provided that, while fulfilling other assigned tasks in place of Communion and the visit to the church, they perform some work prescribed by the confessor. 3. Tertiary members who reside in colleges, seminaries, and other communities may gain the indulgences proper to the Sodality by visiting the chapel of the respective house, in place of visiting the church of the Sodality, provided that all other conditions are fulfilled.

[*Latin ed. p. 245*]

FROM THE SACRED CONGREGATION FOR INDULGENCES: Whereas, by the Decree of this Sacred Congregation, dated July 18, 1902, and with the complete abrogation of all Indulgences, by which the Secular Tertiaries of any Order previously enjoyed benefits through communication with the first and second Orders respectively, it was prescribed to the Supreme Moderators of Religious Orders possessing their own proper Third Order, that they propose a new Index of Indulgences for their Secular Tertiaries; the Prior General of the Carmelites of the Ancient Observance, as well as the Provincial General of the Discalced Carmelites, obeying this mandate, prepared the aforementioned Index and humbly submitted it to this Sacred Congregation, which, with the assistance of some of its Consultors, called it for examination. His Most Holy Lordship, Pope Pius X, in an Audience on August 28, 1903, having heard a report on these matters made by the undersigned Cardinal Prefect, benignly confirmed from the Indulgences listed in the aforementioned Index those which had previously been directly granted to the Tertiaries, while, in place of those by which they enjoyed benefits through communication, He mercifully granted others; and He also commanded that, in the future, the members of both Orders of Carmelites, whether of the Ancient Observance or Discalced, living as Secular Tertiaries, should participate only in those Indulgences, and enjoy the Privileges and Indulgences listed in the aforementioned Index. This concession, the same Holiness desired to be valid forever, without any Bull of promulgation. In contradiction to anything to the contrary notwithstanding. Given at Rome, from the Secretariat of the same Sacred Congregation, on September 18, 1903. A. Card. TRIPEPI, Prefect. In place of the Seal. For the Reverend Father, Doctor, Archbishop of Amid, Secretary, Joseph M. Can. Coselli, Substitute.

[*Latin ed. p. 246*]

246 FROM THE DECREE ON INDULGENCES: The Pious Union of the Blessed Virgin Mary, Comforter of the Afflicted, of the City, grants indul-

Translated by churchlatin.ai, a product of Boyne Archives

gences. Most Blessed Father, Reverend Father Alexius Joseph Angelucci, of the Servites of Mary, parish priest of Saint Marcellus in the City, having prostrated himself before the Holy Foot, reports to Your Holiness that in his parish church, canonically erected in the year 1896, there exists a Pious Union of prayers dedicated to the Blessed Virgin Mary, Comforter of the Afflicted, for the unity of all Christian churches, to which, in a short time, many faithful have joined, not only in Rome but also outside the City. Now, in order that those who have joined may enjoy some spiritual benefit, and that others may be encouraged to give their name to the Pious Union, the humble petitioner beseeches Your Holiness to deign to grant the following indulgences, applicable also to the souls in Purgatory, and to be enjoyed by all the faithful who are members or who join this Pious Society:

I. – Plenary: 1, on the very day of enrollment; 2, on the Friday of the Passion, the principal feast of the P.U.; 3, on the Nativity of the Lord; 4, on the feast of the Annunciation of the Blessed Virgin; 5, on the Friday of the Lord's Supper; 6, on the feast of Easter; 7, on the feast of Pentecost; 8, on the feast of the Holy Trinity; 9, on the feast of the Holy Apostles Peter and Paul; 10, on the feast of All Saints; 11, on the Commemoration of all the Faithful Departed; provided, however, that on these days, truly penitent, having confessed and received Holy Communion, they visit some church or public oratory and pray there according to the intention of Your Holiness and the purpose of the P.U.; 12, at the point of death, if, as above prescribed, or at least having invoked the Holy Name of Jesus, either with words or in their heart.

II. – Partial: 1, of seven years and forty days, on each third Friday of every month, if, with a contrite heart, they piously visit the Blessed Sacrament exposed for public veneration, according to the regulations of the P.U.; 2, of three hundred days, once a day, through the recitation of the following prayer: "O Virgin, Comforter of the Afflicted, Mother of God and our most loving Mother, from the throne of your mercy, look upon us with a benevolent gaze, who, prostrate at your feet, contrite and sorrowful, implore forgiveness for our sins, and offer fervent praise and heartfelt thanks for all the favors you have bestowed upon us; and..."

[*Latin ed. p. 247*]

FROM S. CONGREGATIONIS INDULGENTIARUM 247, especially because you have preserved the inestimable gift of faith, whole and inviolate. Our grateful spirit will endure eternally, O Mother of God, and we shall live henceforth so that we may render ourselves less unworthy of your benevolence, and thus we may comfort you for so many and such pains which you have endured in life, in the passion, and in the death of Jesus Christ, for our sake. We are your children, born of your womb, and under the Cross, Jesus left you as Mother to us all. You have never ceased to love us, as a true and tender mother; but alas! many of our brothers have turned their

Translated by churchlatin.ai, a product of Boyne Archives

backs on you, denying the faith of your Son, and have departed from you. They wander throughout the world, lost and wandering in darkness, from schism and heresies, and are plunged from vice to vice, into the abyss of infidelity. O pious Mother, have mercy on so many ungrateful and faithless children; spare them, we implore you, for the sake of the passion of Jesus and the sorrows of your maternal heart. May our abundant tears soften their hearts, and may you break the hardness of their will. May the rays of your compassionate eyes illuminate their minds, and may you show them the deceptions of the devil by which they are held captive; and may your most powerful hand draw them back from the depths of apostasy, and restore them to the blessed state of the children of God and to the bosom of the Holy Mother Church, the Cattolica. Lady and Mother of all Christians, hear our prayer, and grant, we beseech you, that we may soon return to your altars and sing with joy: "Rejoice, O Virgin Mary, for you alone have destroyed all heresies throughout the world." Amen. For this grace, etc. His Holiness Pope Leo XIII, in an audience held on February 14, 1902, granted all the indulgences mentioned in the prayers, and declared them applicable also to the deceased; except for the plenary indulgence to be obtained at the hour of death. This grant is valid forever, without the need for an Indult. Notwithstanding any contrary provisions. Given at Rome, from the Secretariat of the aforementioned Sacred Congregation, on February 14, 1902. S. CARD. CRETONI, Prefect. L. S. f F. SOGARO, Archbishop, Secretary.

[*Latin ed. p. 248*]

248 FROM THE SACRED CONGREGATION OF INDULGENCES: Indulgences are granted to those who recite the prayer "O Jesus, upon the Cross." Most Blessed Father, *Maria Lampel, of Castagna*, prostrate in reverence before the Holy Foot, humbly beseeches Your Holiness to deign to grant some spiritual indulgence to those who shall recite the following prayer: "O Jesus, upon the Cross, my Crucified Lord, graciously accept the prayer which I now offer to You for the moment of my death, when, as it approaches, all my feelings will fail. When, therefore, O my Jesus, my languid and dying eyes can no longer behold You, assist me with that loving gaze which I now direct towards You, and have mercy on me. When my parched lips can no longer kiss Your most holy Wounds, remember the kisses which I now imprint upon You, and have mercy on me. When my stiffened hands can no longer grasp Your Cross, remember the feeling with which I now do so, and have mercy on me. And when, finally, my swollen and paralyzed tongue can no longer pronounce a word, remember my invocation at this moment. Jesus, Joseph, Mary, I commend my soul to You." "To those who shall recite this prayer, We grant, once a day, an indulgence of 300 days; and, if contrite and having received Holy Communion, an indulgence plenary." From the Vatican, August 31, 1903. PIUS PP. X. A copy of this

Translated by churchlatin.ai, a product of Boyne Archives

concession has been sent to the Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given at Rome, from the Secretariat of the aforementioned Sacred Congregation, on September 4, 1903. Joseph M. Can. Coselli, Substitute.

[*Latin ed. p. 249*]

FROM THE SACRED CONGREGATION FOR INDULGENCES, 249, NOTE. – The Sacred Congregation for Indulgences, by Decree dated September 5, 1903, declared that the aforementioned indulgences are also applicable to the souls of the deceased who are undergoing purification in Purgatory.

(Version) Most Blessed Father, Maria Lampel, of Castagna, having prostrated herself before the Holy Foot, humbly implores Your Holiness to deign to grant some spiritual indulgence to those who recite this prayer:

"O Jesus Christ, in the Cross, O Jesus, my Crucifix, receive graciously the prayer which I now offer You in the hour of my death, when all my senses fail Me. Since, most sweet Jesus, My eyes, weakened and drooping, will no longer be able to behold You, remember that intense gaze with which I now turn towards You, and have mercy on Me. When My lips, parched and dry, will no longer be able to kiss Your most sacred wounds, remember those kisses which I now press upon You, and have mercy on Me. When My hands, cold and numb, will no longer be able to embrace Your Cross, remember the sensation with which I now do so, and have mercy on Me. And when, at last, My tongue, swollen and immobile, will no longer be able to speak, remember this very invocation. Jesus, Joseph, Mary, I commend My soul to you."

"To all who recite this prayer, We grant once a day an indulgence of 300 days, and twice a year, provided that they approach the Sacraments of Confession and Holy Communion. From the Vatican, on August 31, 1903. PIUS PP. X."

[*Latin ed. p. 250*]

250 FROM THE SECRETARY OF STATE: A letter from the Pro-Secretary of State, by which Pope Pius X explicitly disapproves of letters offensive to ecclesiastical authority. To the Most Reverend Monsignor Domenico Buechi, Bishop of Orvieto: The Holy Father commands me to communicate to Your Eminence and Reverence the painful impression that the letter (1) has caused Him.

(1) The text of the letter, which has been condemned by the highest authority: "Dear Bertini, Count Grosoli has been reconfirmed as president general of the Opera dei Congressi. This announcement has given you the opportunity to repeat your fortunate phrase: 'We are in a state of benevolent expectation'; and many of us have taken this as a reason to rejoice and to hope well. And since hope is the last thing to die, let us hope cheer-

Translated by churchlatin.ai, a product of Boyne Archives

fully. But I, who have been following our affairs very closely for some time, remember that an approval, a Platonic praise, has always preceded or followed a rash act committed against our movement. And if the past is past, and we must only look to the present, I see that on the one hand, Grosoli has been confirmed, and on the other hand, the work of Miles Christi of the Resurgence, that is, the work of one of the men most harmful to us, has been approved and encouraged. And in this dawn of the pontificate, marked by a confirmation, albeit temporary, of the past, Grosoli could only receive a confirmation: a collapse of Ferrara is not yet ripe; but if the congress of Bologna is held, our assertion (it is not necessary to speak of victory) will lead to this result: either Grosoli will throw us overboard, or he himself will be thrown overboard by others. It is not a lack of confidence in the person of Count Grosoli, whom I have had the honor to approach often and to know to be full of good will; but certain institutions, as long as their guiding spirit remains, will never be a suitable environment for us; democracy, even Christian democracy, is a beautiful wildflower that only grows in the open air, freely kissed by the sun. And while the sun shines for all, for the good and for the wicked, and vigorous life advances from all sides, it is painful that we are forced to remain here discussing the quality of the bottle to be used to feed this poor Christian democracy, which one would like to keep as an eternal infant. Perhaps self-help (help yourselves), which has miserably failed in economics, can still do much in public life, especially for nascent parties, which need to form a political virginity. But let us leave digressions; I was telling you that for me it is not a question of a person, but of institutions. As I wrote in these columns on May 15th of last year, in the Opera dei Congressi, "we have a party embedded in the ecclesiastical hierarchy, which, for many factual reasons, does not enjoy public favor."

[*Latin ed. p. 251*]

FROM THE STATE SECRETARIAT 251, published on August 29th of the present year in the weekly publication "Il Comune," which is printed in this city; and it could not be otherwise, for the entire text, from beginning to end, cannot but be considered exceedingly irreverent and rebellious to all authority; and the painful feeling experienced by the Holy Father in this circumstance is increased by the fact that the aforementioned publication has expressed the same sentiments on several occasions. It is undeniable that the bishops, who should guide our movement, are the least suitable people for this direction, given the state of contemporary consciences. I do not intend to judge impertinently the zeal and pastoral and ecclesiastical activity of the bishops; but certainly, the cares of their ministry do not allow them, with the alacrity required by the rapid and multifaceted scientific movement of our age, to engage in a political party, the direction of which requires a broad knowledge of economic and political sciences.

Translated by churchlatin.ai, a product of Boyne Archives

Not to mention that the bishops, being the fathers and pastors of the entire Christian people, cannot lead a political party, which, if it wishes to be practically effective in the social sphere, must assume a political form, that is, operate a selection among men, even if they have the same religious faith. Can we, by joining this undertaking, avoid losing our identity and not confusing it with that of others, as you hope? Can we avoid sacrificing anything of the tendencies and purposes that we have the right to have, nothing of our living experience, nothing of our desires for initiative and struggle, as Murri hoped for in the last issue of "Cultura Sociale"? But I will not give an answer to you, my friend, who have so fruitfully expended so much energy for our idea, and who know the environment in which we are forced to live. To find an arrangement of things that allows us to preserve our freedom, we must, dear Bertini, go back much further than the Instructions and reach the Concordat of October 5, 1901, which has fallen... as good things fall among us. Today, in the status quo, nothing is granted to us, except perhaps some future good hopes, thrown out to pacify the most ardent, and carefully belied by facts. How can we speak of freedom of initiative, when the promises made to persuade us to accept the Instructions have vanished? How can we speak of freedom of ideas, when the echo of the uproar raised against our Murri for his just criticisms of Professor Toniolo has not yet died down? How can we speak of freedom of initiative, when the good Semeria, recalled, even by a power external to the Opera, from Russia, will soon have to prove that greater tolerance is found under the knout of the Tsar than in our sphere? Let us speak of freedom of discussion within the Opera, when it is already said that the Congress of Bologna, from which we hope so much, will be postponed... to the Greek calends, in view of the ideas that we will want to bring to it, and the discussions that we will want to promote! And if the presidency of the Opera does not feel the duty to deny these rumors, we should do nothing but take care of our own affairs. In the meantime, we wait...; but doesn't it seem to you, my friend, that life is too short to have to start over every week? Believe me, yours, A. Lazzarini.

[*Latin ed. p. 252*]

252 FROM THE SECRETARY OF STATE: The Holy Father, therefore, with absolute disapproval of everything presented in that letter, both with regard to principles and to individuals, authorizes me to declare that He will never recognize any work of Christian popular action that does not originate from and is not obedient to the Work of Catholic Congresses, as is recalled by the obligation that all Clerics and Priests, in whatever office they are constituted, have not to participate in any way in Associations that, under the name of parties, bring division of minds and schisms within the Catholic field, destroying that unity for which our Most Holy Redeemer made His last prayer to the Divine Father, and that charity, which is the

Translated by churchlatin.ai, a product of Boyne Archives

only distinguishing mark of true Christians. In executing the venerable command of His Holiness, I seize this opportunity to reaffirm my sentiments of the highest esteem. Of Your Eminence, Very Illustrious and Most Reverend, 7 September 1903. Servant, RAFFAELE MERRY DEL VAL, Secretary of State to His Holiness.

EX VICARIATU URBIS: Notification to the Most Reverend Cardinal Vicar, concerning the care of souls of the City. Peter from the Title of the Most Holy Four Crowned Martyrs of the Holy Roman Church. Cardinal Priest Respighi, of the Sanctity of His Holiness, General Vicar of the Roman Curia and its District, Ordinary Judge, etc.

The most serious duties of our office demand that we strive with all our effort to ensure that the people of this beloved city are not lacking the most suitable means to be instructed in the faith and educated in the Christian life. Above all, the parishes intend to serve this highest purpose, which must form as many centers from which the holy activity is spread throughout the people.

[*Latin ed. p. 253*]

From the Vicariate of the City, sections 2-15, concerning the Catholic apostolate. To aid the parishes, beneficial institutions have arisen, founded by our predecessors, and recently by the zeal of venerable priests, religious families, and also good laymen. However, for the proper and well-ordered functioning of the parishes, and consequently of all the aforementioned institutions, it is necessary that the activity of the clergy, and especially of the young clergy, be directed to their benefit, and be well regulated within them. Without doubt, the faithful will derive great benefit from this, and it will also be a great comfort to the reverend pastors in the fulfillment of their difficult pastoral duties, if the priests, from the very beginning of their ecclesiastical career, show that they love the exercise of the priestly ministry for the salvation of souls, and if, moreover, they do not, of their own initiative, turn to one or another work of zeal in aid of the pastors, but rather follow with docile obedience the directions of the higher authority. And from obedience to the higher directives will result this further benefit, namely, that each one will find there the assurance that in their labors they have not sought themselves, but only the glory of God and the good of souls. Therefore, to implement this plan, we have established and hereby establish a governing Commission for the exercise of the priestly ministry in Rome, presided over by us or by His Excellency, the Most Reverend Monsignor Vicegerent, and composed of distinguished ecclesiastics, who, by virtue of the office they hold, are able to know the clergy, especially the young clergy, and to oversee their spirit and activity. Therefore, we appoint the Reverend Secretary *pro tempore* of the Vicariate, the Reverend Prefect *pro tempore* of the clerical students, and the Most Reverend Rectors *pro tempore* of the Roman Seminary and the Vatican Seminary, and of the

Translated by churchlatin.ai, a product of Boyne Archives

Venerable College of Capranica, as perpetual members of the Commission. We reserve the right to appoint other members when we should recognize the necessity or evident utility thereof in due course. The Commission thus appointed shall maintain contact with the reverend pastors and with those deputed to the direction of the works of zeal, in order to well understand the various needs of the priestly ministry in Rome. It shall meet, in a place and at a time to be determined, on the second Thursday of each month, and also more often when the need is recognized. It shall dedicate itself to the following matters:

[*Latin ed. p. 254*]

204 FROM THE VICARIATE OF THE CITY, the individuals who will be judged most suitable will be chosen; and the priests of the diocese must willingly dedicate themselves to those offices that will be entrusted to them, and perform them with all diligence. We declare from this moment that we will never issue letters of recommendation for the attainment of any ecclesiastical office or benefit without a certificate from the commission, from which it appears that the applicant has exercised the priestly ministry laudably, according to his abilities, and with full dependence on the aforementioned commission. Confident that those who comprise the commission appointed by us will dedicate themselves with all their effort to the very serious and delicate task entrusted to them, we invoke upon them with all the outpouring of our heart the most excellent blessings of the Lord. Given from Our Residence, October 1, 1903. PIETRO CARDINAL, VICAR. PIETRO Can. CHECCHI, Secretary. NOTIFICATION concerning the celebration of Masses in the churches of the City. Pietro del Titolo de' SS. Quattro Coronati of the Holy Roman Church. Cardinal Respighi of the Holy See, General Vicar of the Roman Curia and his District, Ordinary Judge, etc. Since, through the trust of the Holy Father, we were called to govern this Vicariate, we have often considered it our duty to inquire about the exact observance of the regulations issued by Our Predecessors, concerning the celebration of the Holy Sacrifice of the Mass, and particularly those contained in the Notification of November 20, 1889. Now judging it necessary to return to insisting on the same subject, we generally confirm the aforementioned regulations, and order the following: I. Foreign priests, even if known by the Rectors or sacristans of the churches, shall not be admitted to celebrate the Holy Mass unless they exhibit the relevant license, obtained in writing.

[*Latin ed. p. 255*]

FROM THE VICARIATE OF THE CITY, 255, from the Secretariat of Our Vicariate. It will only be permitted to allow the aforementioned priests to celebrate in Rome on the day of their arrival, so that they may have time to obtain the necessary license. II. From Roman priests and those residing in

Translated by churchlatin.ai, a product of Boyne Archives

Rome, the document in writing of the faculty granted to them by Us, and its renewal at the respective expiration date, must be required. III. The celebration of the divine Mysteries shall not be permitted to those priests who present themselves without the appropriate ecclesiastical attire or without tonsure. IV. All Rectors and Sacristans of the churches of Rome shall record in a special book, distinct for each month, both the names of those priests who regularly celebrate in the church entrusted to them, and of others who, for any occasion, present themselves for that purpose, even if invited. From this book, they must each month compile the note to be sent to the Secretariat of the Vicariate. V. We also wish that the book, as well as the records of Masses, be immediately presented to the Official of the Vicariate, who, authorized by Us, shall request it. V. In the churches and chapels of female communities, the nun in charge of the sacristy shall obtain from the priests who request to celebrate the relevant form, in order to have it examined by the Rector of the church or the ordinary chaplain of the community itself, who shall not be appointed without our explicit consent (1). (1) On April 20th of the same year, the Secretary of the Urban Vicariate, better explaining the aforementioned Article V, sent the following regulations to the superiors of the religious communities residing in Rome: In execution of the orders given by the Most Reverend Cardinal Vicar, the undersigned earnestly recommends that the provisions contained in the Notification of February 18th of the current year, regarding priests celebrating in Rome, be kept well in mind, and especially that attention be paid to what is prescribed in Article V, ensuring its exact fulfillment, in order not to incur the penalty stipulated in the following article. Furthermore, also for greater clarity regarding the same Article V, the undersigned states that, from now on, if the aforementioned communities wish to appoint a chaplain, it will be necessary to inform this Vicariate of the new priest proposed, who shall not be accepted without first obtaining explicit written consent from the Most Reverend Vicar. Finally, the Reverend Superiors are requested to send as soon as possible to...

[*Latin ed. p. 256*]

256 FROM THE VICARIATE OF THE CITY. Whoever should contravene the aforementioned regulations will be subject to a "fine of 25 Lira," and, in the case of repeated offenses, even "suspension from divine functions."

VII. Finally, We order that this document, according to the established practice of Rectors and Sacristans, and not merely of the celebrating priests, be affixed in all sacristies, so that no one may allege ignorance thereof. Given from Our Residence on the 18th of February, 1903.

PIETRO CARDINAL, VICAR

PIETRO, Canon, CHECCHI, Secretary.

Translated by churchlatin.ai, a product of Boyne Archives

This Secretariat requests the names of the current chaplains, and subsequently, to send, month by month, the usual report of the priests who, in their church or *cap pella*, have celebrated, even once, during the preceding month. It is not necessary that the names in said report be repeated as many times as the number of days the priests celebrated, nor is it necessary to indicate the day on which the celebration took place.

Rome, Secretariat of the Vicariate, 20th of April, 1905.

PIETRO, Canon, CHECCHI, Secretary.

[*Latin ed. p. 257*]

257 ACTS OF THE ROMAN PONTIFF: APOSTOLIC LETTERS. From the Most Holy Father and Lord, Our Pope Leo, Pope of Rome, XIII, by which the honors of the Saints are conferred upon Blessed Peter Fourier, canon of the regular congregation of Our Savior, reformer, and founder of the institute of our Sisters, the nuns.

(1) LEO, BISHOP, SERVANT OF THE SERVANTS OF GOD.

For the perpetual memory of this matter. We have this commandment from God, that he who loves God, loves also his brother (1 John, chapter IV, verse 21). For the sole precept of charity is that we are commanded to love God, and our neighbor for the sake of God. Indeed, the reason for loving our neighbor is God; for we must love God in our neighbor; hence it is manifest that the same act, in its essence, is that by which God is loved, as it is by which the neighbor is loved; and therefore, the habit of charity extends not only to the love of God, but also to the love of our neighbor (St. Thomas, Quest. XXV, art. 13). Therefore, those who separate the love of our neighbor from the love of the highest Good, which is charity, and who, I know not how, introduce a certain philanthropy, certainly pervert the ultimate end of the human race, namely God, and attempt to reduce the very act of virtue to nothing. Hence, that very sad and most deplorable inclination to judge the happiness of our neighbor; for, indeed, spiritual goods are either considered as nothing, or at least postponed to those things which seem to pertain to the care of the body and soul, or to civil progress, as they say. Which is quite contrary to the teaching of Christ, and is demonstrated more clearly by the examples of the Saints than by words. Therefore, beloved sons, consider the outstanding example of charity which the Church presents to you today, so that, imitating Saint Peter, with the help of His aid, you may draw from the very source of charity, Our Lord Jesus (1).

(1) Today we have only been able to hold this Bull of Canonization in our hands, but its publication cannot be omitted due to its special importance.

Translated by churchlatin.ai, a product of Boyne Archives

Acts, Volume XXXVI, page CDXXV, 17.

[*Latin ed. p. 258*]

258 APOSTOLIC LETTERS: You may draw from Christ that true charity, which is the wedding garment; and he who is not clothed with it is bound hand and foot and cast into the outer darkness (Matthew, chapter XXII, 13). Peter was born in Mirecourt, in Lorraine, in the year of Our Lord 1565, on November 30th, to parents Dominic Fourier and Anne Nacquart, who were distinguished for their love of the Catholic religion and the praise of Christian virtues. They taught their son, whom they loved dearly, with great care, because from his childhood he displayed remarkable gifts. And when, in his youth, virtuous qualities already appeared in him, and signs of a very keen intellect were evident, they entrusted him to the Fathers of the Society of Jesus, in the renowned Mussipontane Lyceum, which at that time was the most celebrated center of learning and virtue in Lorraine. After having studied the humanities and philosophy, and before embarking on higher studies, he began to consider the choice of his way of life; and after long and wise deliberation, and not without divine inspiration, he embraced the Canon Regular way of life, and entered the Monastery of Chaumouzey, where, with great expectation from all, he made his vows, setting an example. Subsequently, he returned to the University of Mussipont, in order to devote himself to sacred studies, and there he found companions in studies, Lairuels and De la Cour; the former restored discipline in the Order of the Prémontré monks, the latter, having deservedly gained great renown, was the most celebrated founder of monasteries, which bear the names of Saint Victor and Saint Adulph. Peter was greatly delighted by their company, and from them, and also from his relative, John Fourier, of the Society of Jesus, whom Saint Salesius held in high regard, he learned much, which later proved very beneficial in the reform of the Monastery of Chaumouzey. Therefore, when he returned there, and having been ordained a priest, wishing to show that he would perform his religious duties more through example than through empty boasts, he immediately asked the Abbot to allow him to give a larger portion of his income to the poor, being content himself with legumes, cooked roots, and very diluted wine, and dedicating himself solely to prayer, contemplation, and the most rigorous penance. How Peter's spirit was disposed was then made clear when, with three benefices vacant, he was given the opportunity to choose whichever he wished. He chose the one that was poorer, and which was among people who were poor, and who were hostile to the Catholic religion.

[*Latin ed. p. 259*]

LETTERS APOSTOLIC 259 relate that even the small Geneva, commonly so called, was experiencing this, stating that there would be little income there, but sufficient labor. The place was called Mataincuria, which Saint

Translated by churchlatin.ai, a product of Boyne Archives

Peter entered just as the solemnities of the Most Holy Body of Our Lord Jesus Christ were approaching. Therefore, he wished to take possession of the benefits of his position, carrying the Divine Sacrament with solemn pomp, and with such majesty that his very appearance would move hearts to faith and penance. For he had spoken with the most ardent and tender words about the wondrous love of Jesus Christ for men, and about his will to imitate that good Shepherd even unto death, and he would readily give his life for the salvation of each of them. Hence, it seemed a miracle that, through the work of Saint Peter, three Catholic sodalities were established in that dwelling place of the devil, and these were very numerous; the first was dedicated to the Most Holy Virgin of the Rosary; the second to the same, conceived without original sin, to whom Saint Peter proved himself to be a most zealous defender, upholding her privilege; and the third to Saint Sebastian. Concerning this prodigious change in the people, which had spread throughout the entire Diocese of Toul, crowds of people flocked from all sides to Mataincuria; and the Bishop of Toul, setting Peter as an example to other pastors, ordered him to traverse the entire Diocese with a sacred expedition; and he did so in such a way that Christian virtues, which had been dormant and almost dead, were revived, and the Calvinist heresy, which was already rejoicing in some places, was suppressed. While he was engaged in promoting the spiritual well-being of the people entrusted to him, he did not neglect those things which most contribute to their civil welfare; in this matter, he devised and instituted many things, for which modern scholars of economics boast, and which, if they are infused with the breath of Christian charity, are very beneficial to the state and to the harmony of souls. Moreover, he instilled in them the precept of almsgiving so strongly, and so gently, that in Mataincuria there was almost a competition among the wealthier people to provide alms, and he was considered the richer one who had helped the most poor people. But above all, Saint Peter took care of the proper instruction of the Christian people. In this matter, he declared war on the perverse custom that was beginning to spread, namely, the so-called mixed schools; and since things had gone so well for him in Mataincuria, he was eager to drive out this pestilence from other places as well, and he undertook a great and...

[*Latin ed. p. 260*]

260 Apostolic Letters were conceived to establish a perpetual Society of Holy Virgins, which would provide free instruction to girls of the female sex in good arts and piety. This salutary institution, with God's help, and sometimes in ways altogether marvelous, has grown so much that even now it bears abundant fruit not only in Europe and other parts of the old world, but also in America. However, it was approved by His Most Holy Father Paul V on the Kalends of February in the year 1614; subsequently, Urban VIII adorned it with excellent privileges, and decreed that

Translated by churchlatin.ai, a product of Boyne Archives

the Regular Canonesses of the Congregation of Our Lady should be and be called Canonesses. Meanwhile, while he began to promote and perfect the reform of the Regular Canons, he sought to equip it with canonical authority. Indeed, the holy man was deeply grieved that this sacred group, whose history is filled with so many glorious deeds, and which is illuminated by so many learned and saintly men, in which Saint Dominic, Saint Bruno, and Saint Norbert laid the foundations of their glorious lives, had, through his own fault, fallen to such a state that the Pontiffs, and the most eminent members of the Church, repeatedly strove to restore it to its former dignity, and that its authority and charity had diminished. Therefore, Gregory XV, by Apostolic Letters, approved the efforts of the Bishop of Toul, who, after almost fruitless attempts by Cardinal Charles of Lorraine, was again striving for the reform of the Regular Canons, with Peter as his greatest helper. The matter proceeded so favorably that the same Pontiff, in Rome, received two most distinguished men, renowned for their piety and learning, who requested that the monasteries, which Peter, at the mandate of the Bishop of Toul and with Pontifical authority, had reformed, be approved and erected into a juridical Congregation, with a perpetual General to preside over it. The union of the monasteries was immediately granted; furthermore, the perpetuity of the endowment was also obtained, on the 25th of January in the year 1629. While Peter was engaged in these matters, he did not forget the Mataincurienses. For these, whom he wished to govern under his own name, he had left a virtuous priest as his vicar, who, following in his footsteps, would confirm them in religion, and zealously defend them against wolves, and especially against heretics. Moreover, when it seemed that his presence was beneficial to the flock, there was no hesitation; and the Mataincurienses were wont to flee to Peter whenever they were afflicted by some calamity, which they believed to be brought about by the devil. For it immediately came to the minds of the people that the devil could not remain in their town while Peter was present, for he...

[*Latin ed. p. 261*]

LETTERS. I had long ago repelled the dangers threatening my soul; who, not long before, had valiantly defended the monastery founded by Peter against their terrible attacks, and had achieved such a victory that the fame of his deeds, accompanied by the admiration of men, had spread far and wide. But those victories are far more worthy of praise which Peter achieved against the heretics, whose father is the devil, and which resulted in the Duke of Lorraine summoning him on several occasions, when he was at odds with the heretics, who were often factious men, and even hostile to civil harmony. In Badonville, a town in the County of Salm, the Calvinists had almost gained control of the republic, having overthrown the parish church and squandered the revenues of the benefice, with

Translated by churchlatin.ai, a product of Boyne Archives

the leading citizens favoring them, the people either terrified by threats or seduced by promises, and forced to adopt their rites, rejoicing that they had eradicated the very name of Catholic. Peter came there, and by the example of his virtues, through prayers, fasts, and with a wonderful and most pleasing eloquence, he strengthened the wavering faith of the Catholics, restrained the heretics, and so moved them that they repented of their deeds; finally, he restored the parish church with funds collected from all sides, he consecrated the heretics' temple to the Virgin Mary, celebrated Mass there, and preached, even inviting outsiders. Thus he called the heretics, in order to attract them with a less harsh name, and also to imitate Paul, who had called faithful domestic servants. With these methods, Peter conquered, and conquered often. When the Duke of Lorraine and the highest magistrates congratulated him, and the people applauded this great benefactor, he, bowing his head, declared that he owed all this not to himself, but first to God, and then to the merits of his companions and good men. He also denied, as much as possible, the miracles, of which many, as testified by the most reliable witnesses, he had performed, contenting himself with humble services among his own people. Finally, when in 1636, for public affairs, he was sent with several of his companions to Graiacum, a town in the County of Burgundy, he was prohibited from entering there due to suspicions of war. Therefore, he stayed for a few days in the village of Dom Pierre, and resided in the castle of Resines, where, while dedicating himself to the education of children, he instructed the older people in sacred duties and other pious exercises; he contracted a fever, which was not a serious illness, but from which he soon recovered.

[*Latin ed. p. 262*]

262 The Apostle Peter foretold the events concerning the rites. He, who was barely enduring illness, so it seemed, due to his sins, said that, like other Saints, he was struck with terror at the impending divine judgment, so that with sobs and tears he implored Mary, from whom he said he could not be separated, a most unworthy supplication, yet one coming from the depths of his heart. Finally, the day dedicated to the Immaculate Mother of God arrived, on which Peter, restored to health by the sacred Synaxis, exclaimed: "Lord, I am not worthy that you should enter under my roof; but the dogs and the swine outside the walls of the city are worthy, and are fed." Then, repeating those words to the Virgin, he made the sign of the Cross over himself three times, and peacefully departed this life, in the seventy-sixth year of his age, on December 9, 1640. His body was opened, and his heart was given to the Greeks; then, it was being transported towards Lorraine by the Regular Canons, so that it might be buried in the designated place; but when they barely arrived at Mataincurea, the reverent people met them, and refused to allow the body of the Saint and most beloved

Translated by churchlatin.ai, a product of Boyne Archives

Pastor to be buried elsewhere. Therefore, the tomb of Blessed Peter is still located at Mataincurea, and there God has confirmed and continues to confirm the glory of his illustrious servant through great miracles. Meanwhile, it was considered to raise him to the altar, and after the proper canonical investigations were completed, the question of his virtues was brought before the Holy Congregation. After all things were lawfully completed, our Predecessor, Clement XI, on April 1, 1717, decreed: "That the virtues of the Venerable Servant of God, Peter Forerius, both theological, namely Faith, Hope, and Charity, and cardinal, namely Prudence, Justice, Fortitude, and Temperance, and those virtues, respectively, are heroic in degree, are established." The question concerning miracles was then discussed in the Holy Roman Congregation, when our Predecessor of blessed memory, Benedict XIV, was performing the duties of Promoter of the Faith, who speaks of this matter in his work on Canonization, book IV, chapter XV; and the same were defended as true by the most eminent John Lancisi, and are of this nature: 1. Two dead men, having invoked Blessed Peter Forerius, and with the application of his relics upon them, returned to life; 2. A nun, afflicted for ten months by the most grievous illnesses, and finally dying, through the application of the image of Blessed Peter Forerius, and his relics, was healed.

[*Latin ed. p. 263*]

APOSTOLIC LETTERS 265: The most excellent gift of health; 3° A woman, afflicted for more than a year with a debilitating illness, or sciatica, to the point that she could neither stand nor walk, is suddenly healed; 4° Two brothers, afflicted for many years with most grievous and incurable hernias, are instantly and perfectly healed through their recourse to Blessed Peter Forerius. These miracles, having been most thoroughly proven, and confirmed by a Pontifical decree, Our Predecessor, Blessed XIII, by Apostolic Letters in the form of a Brief, added Peter to the number of the Blessed, on January 10th of the year 1730. From that time, although the cult of the Blessed's memory never diminished, the cause remained dormant until the year 1845, when it was resumed with the aim of canonization. In the year 1882, on September 11th, letters were sent regarding the construction of an Apostolic process concerning a miracle, to the ecclesiastical court of Argentinensem; and on December 20th of the following year, letters were sent to establish an Apostolic inquiry concerning another miracle, to the ecclesiastical court of Parisiensem. The first miracle occurred in the year 1868, concerning Mary Alexandra, a nun of the Sodality of Our Lady, at the house called Abbaye aux Bois, in the Archdiocese of Paris. She, in the year 1867, burdened with a pregnancy, while ascending the stairs, fell and severely injured her knee on one of the steps. After a most intense pain, she gradually recovered to the point where she could perform her duties. But in the following year, in the

Translated by churchlatin.ai, a product of Boyne Archives

month of April, a treacherous illness broke out with such force and with such dire symptoms that the doctors made a fatal prognosis. For to the constant and acute pain, a fierce fever was added, along with a swelling of the entire right side, extreme weakness, fainting, and nausea from food. No remedies availed, even those employed by the most expert physicians. The doctors determined that it was a traumatic arthritis, and it progressed day by day, and there was no longer any hope of recovery. To the aid of Blessed Peter, Alexandra and her sisters turned with full confidence, through a novena of supplications, and with the relics of the sick man placed near her knee. On the night of that day when the novena prayers began, Alexandra was embraced by a most peaceful sleep; the following morning, as the sisters greeted her, she rose from her bed, walked quickly, and ate with pleasure. There were no traces of the grievous illness, nor of the incisions made by the surgeons. The second miracle occurred in the month of July 1881, concerning Mary Francisca, eius-

[*Latin ed. p. 264*]

264 APOSTOLIC LETTERS from the sodality congregation in the Argentinensi monastery. She, who had long been afflicted with very serious uterine ailments, began to suffer from stomach ailments in April 1871, and was followed by excruciating pains and bloody vomiting. From the vomiting, the physicians were not certain whether it was a case of cancer or an ulcer; however, the ulcer prevailed based on the totality of symptoms and the origin of the illness. For four years, the emaciated Francisca lay as if dead, when novendial prayers to Blessed Peter were begun. But the illness seemed to rage more fiercely, yet the confidence in the intercession of the Blessed One increased among Francisca and the members of the sodality. On the night following the last day of the novendial supplication, the Blessed One favored her from Heaven. Francisca, while peacefully asleep, rises from her bed without any visible support, proceeds to the monastery's oratory, and receives the Holy Eucharist with the Sisters. Afterwards, she recovers her strength through food, resumes her usual labors, and for many years, she persevered in excellent health. After these miracles were discussed in the preparatory and pre-preparatory congregations of the Holy Congregation, on November 16, 1896, the cause was presented to Us, and a question was raised in the general congregations of the same congregation: Whether, and concerning which miracles, there is evidence after the granting of veneration to the Blessed One in this case, and to what effect (1). We, after hearing the votes of the Cardinals and Consultors, and imploring the light of the Paraclete, on January 6 of the same year, decreed: That there is evidence in the case of two miracles, namely, the instantaneous and perfect healing of Mother Mary Alexandra from a very serious arthritis in her right knee; and the other: the instantaneous and perfect healing of Mary Francisca from a very serious ulcer in her stomach.

Translated by churchlatin.ai, a product of Boyne Archives

On the Sunday of the Seventieth Week of Easter of the same year, again imploring the light of the Holy Spirit, We decreed: That it is permissible to proceed to the solemn canonization of Blessed Peter (2). Afterwards, according to the venerable custom, in a secret consistory held on April 19th of that year, We asked all the Cardinals of the Holy Roman Church to express their opinion on this matter, who, regarding the deeds and virtues of the Blessed Peter, as well as the miracles wrought by his intercession, reported by our beloved son, Cardinal Caietano Aloisi-Masella (1) Cf. Acta S. Sedis, vol. XXIX, page 565. (2) Also, page 509.

[*Latin ed. p. 265*]

LETTERS APOSTOLIC 265. To the Prefect of the Congregation for the Observance of the Holy Rites, having heard, with unanimous consent, it was judged fitting to raise the Blessed Peter to the honors of the Saints. Then, on the same day, we held a public Consistory, and again, the esteemed son Philip Pacelli, Advocate of the Sacred Consistorial Court, spoke of the deeds and virtues of the Blessed Peter. We then took care, through letters issued by the Sacred Congregation of the Council, not only to inform the neighboring Bishops, but also the most distant ones, of this joyous event, so that they might come to Rome to give their opinion. When a great number had come from all parts of the world, having fully learned of the matter, both from what had been said in the public Consistory and from the documents of the Holy Roman Church, copies of which we wished to be given to each one, a semi-public Consistory was held on May 20th of the current year, in which not only our Venerable Brothers, Cardinals of the Holy Roman Church, but also Patriarchs, Primates, Archbishops, and Bishops, unanimously urged us to complete this canonization. The instruments of this matter were publicly prepared by esteemed sons of the Apostolic See, the Notaries, and were presented to the archives of the Holy Roman Church. We decided to celebrate the solemnity of this canonization in the Basilica of the Vatican, on the twenty-seventh of May, dedicated to the wonderful Ascension of our Lord Jesus Christ. Meanwhile, having announced a fast, and having established that the Churches should grant the sacred Indulgences, we encouraged the faithful to, with true sorrow of heart, make the Saints propitious to them, and to invoke the benevolent intercession of the heavenly ones. Therefore, on the most auspicious day, all orders of the secular and regular clergy, the individual Prelates and officials of the Roman Curia, the Venerable Brothers, Cardinals of the Holy Roman Church, Patriarchs, Primates, Archbishops, and Bishops, were gathered. Preceding them, we entered the magnificently adorned Basilica of the Vatican with a solemn prayer. Then, our esteemed son, Cardinal Caietan Aloisi-Masella, appointed to prepare for this canonization, after the esteemed son Balthasar Capogrossi-Guarna, Advocate of the Sacred Consistorial Court, offered us the votes of the Holy Fathers, as well as those

Translated by churchlatin.ai, a product of Boyne Archives

of the Order of Regular Canons of Saint Augustine, and the congregation of the nuns of our Lady, and after he had repeated these same votes and prayers a third time; we, humbly imploring the Divine Paraclete, for the honor of the Holy and undivided Trinity, for the growth and glory of the Catholic Faith, by the authority of our Lord Jesus Christ,

[*Latin ed. p. 266*]

266 APOSTOLIC LETTERS: Those of Christ, of the Holy Apostles Peter and Paul, and Ours, after mature deliberation and the vote of Our Most Reverend Brothers, Cardinals, Patriarchs, Primates, Archbishops, and Bishops, in council, We have declared the aforementioned Blessed Peter, a priest, reformer of the Regular Canons of Saint Augustine, and founder of a congregation of nuns under the title of Our Lady, and according to the rule of the same Saint Augustine, to be a Saint Confessor. To this same decree, We have joined Anthony Mary Zaccaria, a priest, founder of the congregation of Saint Paul, commonly called the Barnabites, and of the Angelic Virgins, and We declare him an ornament and a defense of the Church militant, through his virtues, his imitation of Our Lord Jesus Christ, and his great miracles. We have ordered that the memory of Saint Peter Fourier be recorded annually in the Martyrology on the ninth day of December, and We have granted to all the faithful who shall venerate his relics on that day, a perpetual Indulgence of seven years and as many quarantines. Then, giving thanks to God, the Most High and Greatest, We attended the Most Reverend Brother Our Cardinal Aloysius Oreglia, Bishop of Ostia and Velletri, and Dean of the Holy College, as he performed this sacred office, and after the reading of the Gospel, We encouraged the most numerous and joyful crowd to seek the grace of these new Saints by imitating their virtues. Then, having solemnly imparted the Apostolic blessing, We ordered that these Apostolic Letters be dispatched by Our hand and that of Our Most Reverend Cardinals, sealed with lead. It is fitting for Us to rejoice from the heart, and to give thanks and praise to the living God for all eternity, who has blessed Our servant Peter with every spiritual blessing, and has chosen him that he might shine forth like gold among the mists, and that he might fill His Bride, the Church, with the spiritual fragrance of roses. Let all the faithful behold this shining arch, amidst the storms of the age, and let them eagerly draw in the spiritual fragrances that flow from this rose. May especially those most excellent cohorts of Catholics, who with united forces devote their most strenuous efforts to promote the Christian cause everywhere, and to provide opportune counsel to all the spiritual and temporal needs of families, so that men may truly see that nothing is more sacred, nor indeed more beneficial, than Religion. Finally, let them—

[*Latin ed. p. 267*]

APOSTOLIC LETTERS 267 to his Parish Priests, whom the Christian

Translated by churchlatin.ai, a product of Boyne Archives

people rightly regard as their fathers and guardians; and may our most holy colleagues in Lorraine emulate the sweetest charity, the most patient zeal, and the most diligent industry; may they, both of the Catholic Societies and of the individual members entrusted to their care, fulfill the duties that our Lord Jesus Christ desires. Namely: let them exhibit virtue in faith, knowledge in virtue, abstinence in knowledge, patience in abstinence, piety in patience, fraternal love in piety, and charity in fraternal love (1 Peter, chapter I, verses 5, 6, 7). By these examples of virtue, they will not only win over their own flock, but they will also draw back those whom heresy and schism have led away from the pastures of the Church, so that they too may receive grace, mercy, and peace from God the Father, and from Christ Jesus, the Son of the Father, in truth and love (2 John, verse 3). Thus, beloved sons, you will be like the Divine Shepherd, who said: "What man of you, having a hundred sheep, if one of them has gone astray, will not leave the ninety and nine and go after the one that is lost, until he finds it? And when he has found it, he will bring it back rejoicing, and will not cease to rejoice until he has brought it home and laid it on the shoulders of his sheep. Then he will call his friends and neighbors together, saying, 'Rejoice with me, for I have found my sheep which was lost!' In the same way, there is more joy in heaven over one sinner who repents than over ninety-nine righteous people who have no need of repentance" (Matthew, chapter XVIII, verses 12-13). Therefore, strive to please the Divine Shepherd, and pray that Christ, who has been made perfect for all who obey Him for the sake of eternal salvation (Hebrews, chapter V, verse 9), may bless our endeavors, labors, and the concerns we have undertaken for the unity of the Churches. Having considered all that needed to be considered, and with certainty derived from the fullness of our knowledge and authority, we confirm, strengthen, and reiterate all and each of the things mentioned above, and we announce them to the entire Catholic Church, ordering that the same faith be applied to these present documents, whether transcribed or printed, as if they were exhibited and shown, with the hand of a Notary subscribed and the seal of a person constituted in ecclesiastical dignity affixed. But if anyone should presume to infringe or, with rash audacity, to contradict or attempt to violate this page of our definition, decree, mandate, and will, let him know that he will incur the wrath of Almighty God, and of the Saints Peter and Paul, His Apostles.

[*Latin ed. p. 268*]

268 APOSTOLIC LETTERS. Given at Rome, near St. Peter, in the year One Thousand Eight Hundred and Ninety-seven, on the sixth day before the Kalends of June, in the twentieth year of Our Pontificate. >$i I, LEO, BISHOP OF THE CATHOLIC CHURCH, follow, are undersigned the Cardinals of the Holy Roman Church, namely: Oreggia from St. Stephen, Parocchi, Vincentius Vannutelli, Mocenni, Verga, Mazzetta,

Translated by churchlatin.ai, a product of Boyne Archives

Ledochowski, Aloisi-Masella, Rampolla, Seraphinus Vannutelli, Di Pietro, Satolli, Gotti, Iacobini, Agliardi, Ferrata, Cretoni, Mertel, Macchi, Steinhuber, Segna, Pierotti, Prisco. C. CARD. ALOISI-MASELLA, Pro-Datary. A. CARD. MACCHI. Seen by the Curia. I. D. from AQUILA and the Vice-Comites. Place and Seal of the Royal Register in the Secretariat of Briefs. I. CUGNONIUS. ADDRESS BY POPE PIUS X TO THE FRENCH PONTIFICAL SEMINARY OF THE CITY. (1) Most beloved priests and clerics, "I am extremely grateful for the sentiments of obedience, veneration, and affection that you have expressed to me in..." (1) Under the auspices of Pope Pius IX, may he rest in peace, and with the care of the Congregation of the Holy Spirit and the Immaculate Heart of the Blessed Virgin Mary, the French Seminary in this venerable City was begun in the year 1855, for the purpose of sending young clerics and junior priests from their dioceses to Rome for their studies. After a few years, with God's favor, all things went well and prosperously in the Seminary, with the support of the sacred prelates of all of France. Therefore, on July 14th of the year 1859, the Supreme Pontiff solemnly confirmed the Seminary itself with the highest authority of the Apostolic See, through the Bull "In sublimi," and entrusted its governance and administration perpetually to the priests of the Congregation of the Holy Spirit and the Immaculate Heart of Mary, under the guardianship and protection of the Cardinal at that time in the venerable City of Tulle.

[*Latin ed. p. 269*]

ADDRESS 269 Your noble institution, for I have witnessed the piety and the holy education that you receive from your zealous directors. "I am grateful to you, for nothing could have been more pleasing to my heart than to see myself surrounded by priests who are the honor of the Church and the friends of Jesus Christ, because if the past, as is often said, is a guarantee of the future, and if, save for sad exceptions, excellent men are raised by good fathers, then, from what the former students of your Seminary were, I am pleased to hope how zealous those of today and tomorrow will be. "You are rightly rejoicing in the number and dignity of those who have gone before you: a cardinal and twenty-five bishops, a true blessing from heaven; numerous professors of the Universities and the Seminary; a whole phalanx of priests of more humble condition, but no less worthy of our interest and our esteem, for, perhaps more than others, they have deserved to be blessed by God. Dear [ones], on the 20th of June, in the year 1902, Pope Leo XIII, of blessed memory, having considered this institution, which has so excellently served the cause of the Catholic faith, deemed it worthy to adorn it with the title of Pontifical. Now, when the same Seminary, on the 17th of September last past, celebrated its fiftieth anniversary from its founding, the Most Holy Pope Pius X, whom God may preserve for a long time, sent the following letter, written by his own hand, to the Rector of the

Translated by churchlatin.ai, a product of Boyne Archives

Seminary: "To our beloved son, Alphonse Eschbach, and to the other Directors and Alumni of our Pontifical Seminary for the education of Gallican clergy in sacred and canonical disciplines, established in this venerable city, as you solemnly celebrate the fiftieth anniversary of its founding, we impart our Apostolic Blessing, praying to the Almighty God that our beloved Alumni, diligently following the precepts of the Directors and imitating the example of illustrious predecessors, may progress in holiness, and upon returning to their homeland, may labor with word and deed, so that Gallia may always be called and be the firstborn daughter of the Church. From the Vatican, on the 17th of September, in the year 1905. PIUS X." A few days ago, the Most Holy Pope graciously received Father Alphonsus Eschbach, along with the Directors and the former students of the Seminary, who had come to Rome to celebrate the anniversary of the founding of the Seminary; and before them, the Supreme Pontiff delivered the address in Italian, as mentioned above. On this solemn occasion, we too rejoice with the most worthy Rector of the Gallican Seminary, with all the Directors and Alumni; and we foretell even greater growth for them, so that, with God's help, the greatest possible benefits may result from this kind of Seminary for the Catholic cause, and especially for the churches of Gallia.

[*Latin ed. p. 270*]

270 ADDRESS: "It is right that I should rejoice with you, and especially with the directors of the venerable French Seminary, for the immense good they have brought to the Church of Jesus Christ. "As for the clerics who still reside in this Seminary, let them remember the words of Psalm 118, in which King David speaks to the Lord: 'Teach me goodness and discipline and knowledge.' "Goodness: goodness has the greatest value in my eyes, and we hold it most dear. All other gifts are contained within goodness: goodness and sanctity are one and the same. Now, priests must be holy: to them, above all, He said: 'Be ye holy, for I am holy.' They must be holy in their qualities as friends, as representatives of a holy God: 'Friendship either receives or makes itself equal.' — 'Where there is a meeting of wills, there is true friendship.' We aspire to be the friends of Jesus Christ: therefore, we must have the same will, the same affections, the same inclinations as He: 'The priest is another Christ.' We must be the representatives of Jesus Christ: to represent Jesus Christ, let us clothe ourselves with His sentiments, let us, so to speak, have the very same words on our lips. When the sun has set, the stars shine in the sky; we must be like those stars that illuminate the world, alongside the sun of justice, Jesus Christ. We are and must be the ministers of Jesus Christ; allow me to quote the words of Saint John Chrysostom: 'Wherefore, ought not such a mind to be purer? Wherefore, ought not this hand, which divides this sacrifice, to be more brilliant than any solar ray?' Indeed, the Church clearly demonstrates to us that we must be pure and holy. Through a long novitiate of study and holy practice, She

Translated by churchlatin.ai, a product of Boyne Archives

prepares her clerics in the seminaries, as in a kind of laboratory, where their weapons are tempered for the battle. She places them under the guidance of learned and holy men, so that they may find in their footsteps where to place their own. Never does She introduce the elect of the Lord into the sanctuary without having them repeat: 'The Lord is the portion of my inheritance and of my cup: it is thou that wilt restore my inheritance to me.' For Saint Jerome adds: 'He who is either himself a part of the Lord, or has the Lord as a part of himself, must present himself in such a way that he both possesses the Lord and is possessed by the Lord.' "Discipline. You know what Saint Thomas says: 'Discipline is nothing other than order.' To produce order, it is necessary..."

[*Latin ed. p. 271*]

ADDRESS 271: Obedience is necessary; indeed, it must be said that in these days, obedience is not understood. Even within the sanctuary, one breathes this heavy air that infects all of society, the air of independence. And perhaps spurred by this sentiment, under the pretext of doing good, some young men and even certain Priests, fail to fulfill a duty that is imposed upon all, but especially upon the ministers of the Lord. For you, and you do not need this recommendation, since you are children of obedience, I acknowledge the promise of He who has so worthily taken the word in your name. "Knowledge is necessary. But of the profane sciences, make use of them as Saint Thomas did. He carried within his spirit, as in a reservoir, all his sciences, and he used them to illustrate the true science, the divine science, the sacred theology. I wholeheartedly bless you, venerable priests and most beloved clerics, your seminary, blessed from its very foundation by the glorious Pius IX, raised to the rank of pontifical seminary by Leo XIII, our predecessor of holy memory. It will certainly occupy a special place in my heart. The blessing that you implore, I also invoke from God, with all my soul. It grieves me that I cannot call you my Benjamins: another seminary preceded you. But Benjamin was the last to be blessed, and Jacob said these words about him: "Benjamin is a ravenous wolf." Among the other blessings of the patriarch, I choose for you and for your homeland, which I love so much, the blessing that he gave to the fourth of his sons. The first prayer that I offer to God every day is this: "May the scepter never be taken away from her!" May France never lose her title as the firstborn daughter of the Church!"

ADDRESS OF HIS HOLINESS, POPE X, TO THE DELEGATION OF THE COMMISSION OF VENICE (i). "If in these days, the demonstrations of affection shown to me by all the faithful of the world have always been dear to me, because (t) On October 19th, a delegation from the Commission of Venice was received in a solemn audience by the Supreme Pontiff, who presented to him a valuable album, and expressed the devoted sentiments

Translated by churchlatin.ai, a product of Boyne Archives

of its citizens. His Holiness then gave a speech.

[*Latin ed. p. 272*]

272 Knowing that they must answer for their eternal salvation, the hope of seeing them walk along that one path that leads to the most holy end comforts me; you can well believe how pleasing to me is the solemn manifestation of your affectionate sentiments, O beloved citizens of Venice, who are doubly my children. "Having been appointed to govern your illustrious Patriarchal Church, received by you, true heirs of the nobility of spirit and the faith of your fathers, I was firmly convinced that Venice would be the last stage of my life, that Venice would receive my last breath, and that in the tomb already prepared, my body would await among the beloved Venetians the day of the final resurrection. "And this conviction was confirmed by living among you, who, with sincere cordiality, with obedience to my religious teachings, and even, on the part of many, with the sacrifice of their own opinions, in order to peacefully achieve the common good, have given me such proofs of attachment that the nine years passed as a single day, and although filled with constant labor, they were years of prosperous peace. "But if the Lord willed to remove me from Venice to raise me to this dignity, the very thought of which terrifies the most courageous, if my paternal care extends far beyond, encompassing all the faithful of the world, be assured that, although more extensive, my affection will not be less complete for you; I will always hold you as the most beloved, I will share in your joys as in the past, I will weep with you in your sorrows, and I will never fail to implore divine blessings upon you all. "I beg you to be interpreters of these sentiments of mine, and especially of my gratitude to all the beloved citizens for this new pledge of their affection, and assure them that I will always be among them in heart, for if the teacher can never forget the disciple, the Successor, although unworthy of St. Peter, will never forget the children of St. Mark, who, protected by the Holy Evangelist, will never fail in their traditions for the triumph of the Faith."

[*Latin ed. p. 273*]

273 ADDRESS OF POPE PIUS X TO THE SOCIETY OF ST. JEROME FOR THE DIFFUSION OF THE HOLY GOSPELS. (1) I gladly bless the Society of St. Jerome for the diffusion of the Holy Gospels, and with both hands and with all my heart, because I am certain that this work does a great good. (1) This Society was founded in Rome under the auspices of Pope Leo XIII, of blessed memory, in the past year, and its principal purpose is the dissemination of the Holy Gospel, as well as the Acts of the Apostles, written in the Italian language, with certain appropriate notes, so that the faithful of Italy, especially, may be strengthened in the true faith and devotion to God, according to the authentic teachings and examples presented by us. "For it is of little use," says St. Cyprian in his letter to

Translated by churchlatin.ai, a product of Boyne Archives

Salvator, "to raise up a people for our faith, unless we strengthen their faith and their devotion to God through divine reading. The divine precepts themselves are like weapons to be presented to those who are fighting... from them minds are instructed, and from them, both soul and body are strengthened to endure all trials." The honorary president of the Society is the Most Eminent and Reverend Cardinal Marius Mocenni; the effective president is the Reverend Monsignor James Delia Chiesa. Pope Pius X, immediately upon his assumption of the pontificate, praised and approved this meritorious Society; and on November 30, 1903, he deigned to admit the members residing in the city to his audience. And when Cardinal Mocenni expressed his desire to obtain a special Apostolic blessing for this work, His Holiness delivered the address mentioned above. It seems useful to us to add here the statutes of the Society itself, so that all Catholics may strive to support this work with all their strength, which directly tends to the greater glory of God and the salvation of souls. STATUTES Article 1. — The "Pious Society of St. Jerome for the Diffusion of the Holy Gospels" is established in Italy. It has its headquarters in Rome, and is under the authority of the Apostolic See. Article 2. — The Society proposes to print and disseminate the Holy Gospels in the Italian language, and extends its activity to all countries where the Holy Gospels are spoken in this language. Article 3. — The Society is composed of: a) twelve resident members, who, in addition to an annual voluntary contribution, must participate in all meetings of the Society, manage its administration, and carry out its offices. b) corresponding members, who, appointed with the authorization of the Most Excellent Bishops, take care in their territory of the dissemination of the editions of the Society. c) meritorious members, who are required to make a single offering of 500 lire, or an annual contribution of 50 lire, with the right to receive a diploma of merit and a dozen copies of the Gospels each year. Acts, Volume XXXVI, page CDXXV. 18.

[*Latin ed. p. 274*]

274 ADDRESS, and therefore it is already blessed by God. The more one reads the Gospel, the more faith is strengthened. The Gospel is the book that serves everyone and for everything: if one desires history, then the Gospel is primarily a book of history. I, who have lived among the people, know well their special needs and their tastes. When the people are told the history of the Gospel, everyone pays attention and benefits from it. If the preacher does not recount the historical event or the parable in the most minute details, no matter how many and how learned commentaries he makes upon it, the people will say: "He is a preacher who does not know the Gospel well, and is worth nothing." For example, the sermon on the Passion is one of the most beautiful sermons that can be given, but if one forgets St. Peter and the cock, Judas and the thirty pieces of silver, and the smallest detail, the sermon will not have an effect.

Translated by churchlatin.ai, a product of Boyne Archives

d) of honorary members, who are required to make an annual contribution of 10 Lira and have the right only to a diploma of honor.

Article 4. — The last two classes of members may also include Ladies, Moral Bodies, Private and Public Institutions, and Catholic Associations.

Article 5. — The Society functions through:

a) a Presidency elected by the resident members, composed of an honorary President, an active President, a Secretary, a Vice-Secretary, and a Treasurer.

b) the Assembly of resident members, which will be convened at least once a month.

c) If any of the founding members, who are by right the first resident members, are absent, the choice of the new resident member will be made by vote of the remaining members in office.

Article 6. — The feast of the patron saint, St. Jerome, will be celebrated with a religious ceremony and with an invitation to all members for the annual report.

Article 7. — To all members is granted a plenary indulgence on the day of St. Jerome or on a day of the octave, and an indulgence of 500 days for each of the feasts of the four evangelists: these indulgences are also applicable to the deceased.

Article 8. — The revenues of the Society are constituted by the offerings of the resident members and the contributions of the beneficent and honorary members.

Article 9. — The Society has no commercial character, and therefore, for all operations that, according to the law, may be considered acts of commerce, the services of persons or bodies will be used who will assume responsibility for the acts themselves.

For registrations and offerings, please contact: in Rome: either the Presidents of the Pious Society of St. Jerome: Vatican Palace, or the Central Office: Church of St. Mary in Aquiro, or the Administrative Office: Via della Sapienza, 32.

[*Latin ed. p. 275*]

275. You seek to spread the book of the Gospel: very well! For that book is the written sermon, and all may profit from it. It is commonly said that peasants, being of short minds, derive no benefit from reading the Gospel. This is false. Peasants have minds more acute than is believed; they gladly read the narratives of the Gospel and know how to make suitable applications, and sometimes even better than some preachers. And it is not only to peasants and the lower classes that the Gospel is pleasing and beneficial, but also to others. There are many books of devotion, and even books of exercises for the clergy; but nothing is better than the Gospel, the true book of meditation, of spiritual reading, and of exercises. In one

Translated by churchlatin.ai, a product of Boyne Archives

diocese of this world, a Jesuit Father once came to conduct retreats for the priests. Throughout the meditations and instructions, he recounted, recounted, with simple observations. What did he recount? The life of Jesus. At first, those priests were surprised by such a method, but soon they found so much delight and benefit that they said: "We have never had such a good retreat, and we have never noticed so many beautiful and useful things that are found in the Gospel." And all the meditations that are customarily made in retreats are found in the Gospel. Do you wish to meditate on death? The Gospel speaks of it so much; on judgment? Take the Gospel, for it is full of it. And just as I extend my blessing to the members of this society, so too I extend it to all those who dedicate themselves to so holy a work as the spreading of the Gospel.

PIUS PP. X.

[*Latin ed. p. 276*]

276 FROM THE ACTS OF THE CONSISTORY: A report from the secret and public Consistories of November 9th and 12th, 1903. On the morning of November 9th, Pope Pius X held a secret Consistory in the Vatican Apostolic Palace, in which, after delivering an address (1), he deigned to create and publicly announce the following Cardinals of the Holy Roman Church: The Most Illustrious and Reverend Monsignor Raphael Merry del Val, titular Archbishop of Nicaea, Pro-Secretary of State, Secretary of the Sacred Congregation of Consistory, born in London, England, on October 10th, 1865; The Most Illustrious and Reverend Monsignor Joseph Callegari, Bishop of Padua, born in Venice on November 4th, 1841. Then, His Holiness assigned the following vacant sees: namely: The Church of Monterey in Angelorum, in Mexico (Los Angeles), which His Holiness had raised to the metropolitan dignity, for the Most Illustrious and Reverend Monsignor Raymond Harra, the bishop of that very see; The metropolitan Church of Mechilomen (Mohilow) for the Most Illustrious and Reverend Monsignor George Joseph Eliseo Srembek, promoted from the cathedral see of Ploko (Plock); The cathedral Church of Saint Paul in Brazil (São Paulo) for the Most Illustrious and Reverend Monsignor Joseph Da Camargo Barros, transferred from the cathedral see of Corityba (Curitiba); The cathedral Church of Wilna (Vilna) for the Most Illustrious and Reverend Monsignor Edward De Ropp, transferred from the cathedral see of Tiraspoli (Tiraspol); The cathedral Church of Sebenico (Šibenik) for the Reverend Monsignor Vincent Pulisic, archdiocesan of Iadren (Zadar), Doctor of Sacred Theology, examiner and prosynodal judge, professor of sacred theology in the seminary of Iadren; (1) Which we published in the preceding volume, page

Translated by churchlatin.ai, a product of Boyne Archives

193.

[*Latin ed. p. 277*]

RELATION 277: The cathedral church of Piauhy, in Brazil, for the Reverend Monsignor Anthony Fabricius de Araujo Pereira, diocesan of Olinda, urban pastor, and canon dean of the Olinda cathedral; the titular episcopal church of Pergamo for the Reverend Father Enrico Vollmar, diocesan of Paderborn, military vicar, and major chaplain for the German army. Afterward, His Holiness published, by means of a Brief already issued, the appointment to the following churches: the metropolitan church of Westminster for the Illustrious and Reverend Father Francis Bourne, promoted from the Southwark cathedral; the metropolitan church of Manila, in the Philippine Islands, for the Reverend Father Jeremiah James Harty, archdiocesan of St. Louis, and parish priest of St. Leo, and consultor and administrator of the archiepiscopal administration; the metropolitan church of Port-au-Prince, in the Haitian island, for the Reverend Monsignor Julian Conan, of the same archdiocese, chamberlain of honor, supernumerary, and apostolic administrator; the titular episcopal church of Neocesarea, on the Euphrates, for the Illustrious and Reverend Monsignor Maximiano Reynoso y del Coral, formerly bishop of Tulancingo; the cathedral church of Monaco for the Reverend Father John Charles Arnal du Curel, diocesan of Nîmes, canon of the same cathedral, as well as general vicar; the cathedral church of Harlem, in Holland, for the Reverend Father Augustine Joseph Cahier, of the same diocese, canon of the cathedral, prefect of studies, and master of humanities in the diocesan seminary, and formerly general vicar; the cathedral church of Salford, in England, for the Reverend Father Louis Charles Casartelli, of the same diocese, a licentiate in sacred theology, a doctor of oriental languages, a professor at the University of London, and an honorary professor at the University of Louvain; the cathedral church of St. Christopher of Havana for the Reverend Father Peter Gonzalez y Estrada, of the same diocese, and general vicar.

[*Latin ed. p. 278*]

278 FROM THE CONSISTORY ACTS: The cathedral church of the Name of Jesus, or Caebuan, in the Philippine Islands (Cefù), for the Reverend Thomas Augustine Hendrik, a priest of the diocese of Rochester, in America, a doctor of law, a regent of studies at the University of New York, and the archiepiscopal fiscal procurator; the cathedral church commonly called Pinar del Rio, on the island of Cuba, for the Reverend Braulione Orue y Vibanco, a priest of the diocese of San Cristobal de la Habana, a licentiate in sacred theology, pastor of Saint Angel of San Cristobal de la Havana, and the episcopal fiscal procurator of the Curia; the titular episcopal church of Tandem (Tani), for the Reverend John Menicatti, an archpriest of the diocese of Milan, from the Seminary of Foreign Missions of Milan, appointed

Translated by churchlatin.ai, a product of Boyne Archives

Apostolic Vicar of Ho-nan, in northern China (Ho-nan); the titular episcopal church of Amastrian (Amastri), for the Reverend John O' Gorman, a priest of the diocese of Kildare, and of the Congregation of the Holy Spirit and of the Most Sacred Heart of Mary, appointed Apostolic Vicar of Sierra Leone (Sierra Leone); the titular church of Trocmade (Trocmade), for the Reverend Francis Xavier Geyer, of the Congregation of the Sons of the Most Sacred Heart of Verona, a missionary, appointed Apostolic Vicar of Sudan (Sudan); the titular episcopal church of Giuliopoli (Giuliopoli), for the Reverend Bonaventure Broderik, a priest of the diocese of Hartford, a chamberlain of the Holy See, and appointed Auxiliary to the Most Reverend Peter Gonzalez y Estrada, Bishop of San Cristobal de la Havana; the titular episcopal church of Philadelphia (Philadelphia), for the Reverend Aristide Cavallari, of the clergy of Venice, the general provicar of the Holy See in the Patriarchate of Venice. On November 11th, in the Vatican Apostolic Palace, Pope Pius X placed the red biretta on the heads of the Most Reverend Raphael Merry del Val and the Most Reverend Joseph Callegari, who had been created cardinals in a secret consistory on the 9th of the same month. Afterwards, the Most Reverend Merry del Val, and also the Most Reverend Callegari, offering their thanks, addressed Pope Pius X in this manner:

[*Latin ed. p. 279*]

RELATIO ad Beatissimum. In hoc die sollemni, in quo Sanctitas Vestra dignatur imponere nobis insignia primordia sublimis dignitatis Cardinalitiae, sentimus necessitatem exprimendi sentimenta cordium nostrorum, et deposendi ad pedes Vestros testimonium publicum gratitudinis nostrae quae est maxima. Si Sanctitas Vestra voluit nos adhibere ad Augustum Senatum, qui cooperari debet cum Vicario Christi in ardua opere gubernandi Ecclesiam Dei, ah! bene scimus, hoc est actus summae indulgentiae, non propter meritum nostrum, sed propter benignam pietatem Sanctitatis Vestrae. Sancte Pater, quamvis alti sint conceptus, quos habere debemus et habemus, de honore qui hodie nobis confertur benignitate Sanctitatis Vestrae, quamvis gloriosum videatur ministerium, quod nobis committitur, nimirum intellegimus, quod in temporibus nostris, et in circumstantiis difficilibus, haec sublimis dignitas non solum onus gravissimum imponit, sed etiam sacrificium constantem omnium quae sunt nostra, non exclusa vita, ad procurandam gloriam et triumphum Sanctae Ecclesiae.

Discipuli Magistri crucifixi et spinis coronati, crucem amplexemur cum gaudio, et sequentes exemplum, quod Sanctitas Vestra nobis praebet in omni hora, non volumus videre in hac alta dignitate nisi occasionem magis, ut immolamus absolute omnes vires nostras ad gloriam Dei et ad bonum animarum.

Post mortem gloriosi Vestri Praedecessoris, nobis non concessit in ultimo Conclave concurre voto nostro ad exaltationem Vestram ad Cathedram Sancti Petri, et ideo, Sancte Pater, plus quam alii, potestis repetere

Translated by churchlatin.ai, a product of Boyne Archives

cum verbis Divini Nostri Salvatoris: Non vos elegi, sed ego elegi vos.

Ab Vobis omnia accipimus, Vobis nihil dedimus. Ita, elegerestis nos ut eamus et fructum afferamus, et fructus noster maneat.

Dignus Pastor, quem honorem habeo hodie ad me iuxta, iam plenus est meritis. Magna sunt officia, quae gessit in governo Ecclesiae Padovanae, abundans est fructus zelus apostolicus eius, et fructus hic duraturus erit. Ego, paene nihil offerre possum Sanctitati Vestrae, in hac fausta circumstantia, ut fructum laborum meorum, vel quod possit motivare honorem supremum, qui hodie mihi confertur.

[*Latin ed. p. 280*]

280 FROM THE CONSISTORY ACTS: Both of us are animated by the same sentiments, and we unite in the fervent desire to dedicate ourselves with greater commitment and with loving care to the service of the Apostolic See, and in the hope that our efforts, with the blessing of Heaven, will bring about that fruit which Your Holiness expects from our ministry. We entrust these our intentions, this our hope, to the Most Sacred Heart of Jesus and to the hands of the Virgin Mary, our Mother and Queen. And while, with filial affection, we wish Your Holiness many years of life and a glorious pontificate, as a pledge of divine grace, we implore the apostolic blessing for ourselves and for all our relatives. His Holiness responded with the following allocution: "We thank you, Cardinal, for the sentiments that you have expressed to us, also on behalf of your beloved brother, because it comforts us to know that, while appreciating the high office to which you are called and the great honor of the Sacred Purple, of which you are invested, you consider the responsibilities that you have undertaken, the constant sacrifice of all that is yours, not excluding life itself, for the glory of God and for the triumph of the Church. "And this new proof of your virtue truly consoles us, because it reassures us that we have added two true champions to the Apostolic College. The good odor of Christ, Cardinal, which you have spread in all places, even in your temporary residence, and the numerous works of charity to which you have continuously dedicated yourselves in your priestly ministries, especially in this our city, have earned you universal admiration and esteem, and we believe that you yourself (to the glory of the Lord) have been able to discern this from the sincere demonstrations that were shown to you on this occasion. "And for you, Cardinal, your homeland (your beloved Venice) speaks eloquently, as does the diocese of Treviso, which, upon your departure, shed so many tears with you (and We were witnesses thereof), and then that of Padua, where, even at the cost of your life, you have poured out everything for the good of souls. "Therefore, venerable brothers, what you have done so far is a guarantee of what you will do in the future. "Indeed, it is pleasing to think (He added, addressing the Most Eminent Merry del Val) that you,

Translated by churchlatin.ai, a product of Boyne Archives

with virtue and with knowledge..."

[*Latin ed. p. 281*]

With the prudence that you have demonstrated thus far, deserving our full trust and benevolence, you will be of great help to us as long as we live in the governance of the Church, especially in those matters that we must address with the Governments in order to protect the freedom of Catholics and to bring to the true faith those who dissent and are unfaithful. "You, adorned with that Purple which rightly brings so much joy to the Diocese of St. Prosdocimo, delight us doubly because in it we spent the years of our youth, and in that Venerable Seminary we received our priestly education; you will make it more splendid by continuing in the exercise of the Apostolic ministry and the labors that you have thus far so piously sustained, and not only will you increase, if it is possible, the affection for the Church and the Apostolic See, which was the sole aspiration of all your life, but also, although far away, you will be of help and comfort to us with your counsel. "Therefore, we are very pleased that your lamps shine more brightly on the candelabrum, because we are certain that the work of you, whom we can rightfully call our firstborn sons, will make our cross less heavy and will help us to work for the greater glory of God and for the consequent triumph of the Church. "Indeed, the times are difficult, but we are ministers of Jesus Christ, who came to bring peace at the price of suffering and blood; of that Jesus who foretold persecutions to us: *Si me persequuti sunt, persequentur et vos; si mundus vos odit, scitote quia me priorem vobis odio habuit* (If they have persecuted me, they will also persecute you; if the world hates you, know that it hated me first); and therefore, even in the greatest difficulties, the divine promise must comfort us: *In mundo pressurum habebitis, sed confidite, ego vici mundum* (In the world you will have tribulation, but be of good cheer, for I have overcome the world); and this confidence will surely give us victory, because surely he who trusts in Heaven will not be moved forever. "And may this earnestly requested Apostolic Blessing, which we impart to you with all our heart, refresh you, and all your loved ones, and those who are present."

His Holiness Pope Pius X, on the 12th day of the same month, held a public Consistory in the Vatican Apostolic Palace, in which the Most Holy Lord, as is customary, bestowed the cardinal's *pileum* upon the Most Reverend.

[*Latin ed. p. 282*]

282 FROM THE ACTS OF THE ROMAN CONSISTORY: To the Most Reverend Cardinals Aiuti, Italian, and Katschthaler, who were created and publicly announced by Pope Leo XIII, may he rest in peace, in a secret consistory on June 20th of the past year, and to the Most Reverend Cardinals Merry del Val and Callegari, who were created and publicly announced

Translated by churchlatin.ai, a product of Boyne Archives

in a secret consistory on the 9th of this month. Afterwards, the consistorial advocate, for the third time, presented the cause for the beatification of the Venerable Servant of God Menocchio, an Augustinian, sacristan of Pope Pius VII. Then, the Holy Father held a customary secret consistory in which, with the newly created Cardinals present, he proposed the following churches: namely, the cathedral church of Astorga for the Most Reverend Julian Miranda y Restuer, diocesan of Segovia, doctor of sacred theology, and canon dean of the Segovia cathedral; the titular episcopal church of Lorima for the Most Reverend Francisco Garcia y Lopez, archdiocesan of Valencia, general vicar of the same archdiocese, and auxiliary to the Most Reverend Cardinal Sebastian Herrero y Espinosa de los Monteros, Archbishop of Valencia. Afterwards, Holiness, as is customary, addressed the newly created Cardinals, and the request was made for pallia for the metropolitan churches of Westminster, Los Angeles, Mohilow, and Port-au-Prince. Finally, the Holy Father placed the cardinal rings on the fingers of the newly created Cardinals, and assigned: to the Most Reverend Cardinal Aiuti the presbyteral title of Saint Jerome of Illyria; to the Most Reverend Cardinal Italian the presbyteral title of Saint Bernard of the Baths; to the Most Reverend Cardinal Katschthaler the presbyteral title of Saint Thomas in the Walls; to the Most Reverend Cardinal Merry del Val the presbyteral title of Saint Praxedis; and to the Most Reverend Cardinal Callegari the presbyteral title of Saint Mary in Cosmedin.

[*Latin ed. p. 283*]

FROM THE SECRETARY'S BRIEF, NO. 283: His Holiness has assigned the following Sacred Congregations to the newly created Cardinals: To the Most Reverend and Illustrious Lord Aiuti, the Sacred Congregation of the Council, the Sacred Congregation of Ceremonies, the Sacred Congregation for Extraordinary Ecclesiastical Affairs, and the Congregation of Loreto; To the Most Reverend and Illustrious Lord Taliani, the Sacred Congregation of Bishops and Regular Canons, the Sacred Congregation for Extraordinary Ecclesiastical Affairs, the Sacred Congregation of Indulgences and Holy Relics, as well as the Congregation of Loreto; To the Most Reverend and Illustrious Lord Katschthaler, the Sacred Congregation of the Consistory, the Sacred Congregation of Bishops and Regular Canons, the Sacred Congregation of the Council, the Sacred Congregation of Indulgences and Holy Relics; To the Most Reverend and Illustrious Lord Merry del Val, the Sacred Congregation of the Holy Office, the Sacred Congregation of the Council, the Sacred Congregation of Holy Rites, the Sacred Congregation for Extraordinary Ecclesiastical Affairs; To the Most Reverend and Illustrious Lord Callegari, the Sacred Congregation of Bishops and Regular Canons, the Sacred Congregation of the Council, the Sacred Congregation of Holy Rites, the Sacred Congregation of Studies.

FROM THE SECRETARY'S BRIEF, BRIEF OF THE HOLY FATHER,

Translated by churchlatin.ai, a product of Boyne Archives

POPE PIUS X, TO THE BISHOP OF TARBES, CONCERNING THE SANCTUARY OF THE BLESSED VIRGIN MARY OF LOURDES.

FROM HIS EMINENCE, THE MOST REVEREND MONSIGNOR SCHOEPFFER, BISHOP OF TARBES.

PIUS PP. X.

To Our Venerable Brother, greetings and the Apostolic Blessing.

We have learned with the greatest satisfaction, from your recent letter, that the place rendered illustrious by the admirable apparitions of the Immaculate Virgin has been the witness of numerous and edifying manifestations of faith and piety, after that, in accordance with His divine mercy, the Most High has elevated Our most wretched person to the sublimity of the apostolic ministry. You have increased Our joy by bringing to Our knowledge that thousands and thousands of pilgrims, guided by their...

[*Latin ed. p. 284*]

284 FROM THE SECRETARY'S OFFICE: The Bishops, having come from almost all parts of France, desire nothing more than to pray for Us, that We may receive, amidst the numerous concerns that provide for the needs of the Church, abundant assistance from the grace of God: a work of charity worthy of all praise, and fully in accordance with the sentiments of Catholics worthy of that name. If such a duty is incumbent upon all the children of the Church, especially in these difficult times, it is certainly just and reasonable that the French, more than all others, should faithfully fulfill it; for they are presently the object of the greatest solicitude on the part of the Pope; solicitude which they must reciprocate with a special fervor at this celebrated Grotto, a witness to the love, predilection, and mercy of the Most Blessed Virgin Mary towards France. Therefore, venerable brother, receive the expression of our gratitude, and transmit it, as We desire, to your colleagues in the Episcopate, and to the entire multitude of pilgrims on behalf of whom you have addressed your letter, so full of deference and filial piety. As for you in particular, who demonstrate such intelligent zeal and such attentive vigilance in glorifying and causing to be glorified the Most Blessed Mother of God in this noble sanctuary, the seat of Her power and mercy, receive Our personal commendations and fervent prayers that your efforts may be accompanied by most consoling results. Be assured that, as Our predecessor did, We place ourselves under the maternal protection of the Most Holy Mary, and above all, with Her help, We hope to see not only your homeland, but the entire Church, relieved from the evils that afflict them. As a pledge of heavenly favors, and as a testimony of Our paternal benevolence, We affectionately grant, in the Lord, the Apostolic Blessing to you, venerable brother, and to all those of whom you were the interpreter. Given at Rome, near St. Peter's, on the 14th

Translated by churchlatin.ai, a product of Boyne Archives

of September of the year 1903, the first of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 285*]

FROM THE SECRETARY'S BRIEF 285: BRIEF of Pope Pius X to the 19th Catholic Congress of Italy (I). To the esteemed Son, Count Grosoli, General President of the Congresses and Catholic Committees in Italy – Bologna.

PIUS X.

Esteemed Son, greetings and Apostolic Benediction. As We prepare to restore all things in Christ, it gives Us great pleasure that the Congress of Italian Catholics is being held at the very beginning of Our Pontificate. For if there is no more opportune means in our age to achieve the return and consolidation of Christian life than by fostering Catholic action, We do not doubt that this Congress will prove fruitful in immense benefits.

Encouraged by such great hope, We offer you and your collaborators, with singular pleasure, the deserved praise for the efforts you have made to carry out Our intentions and those of Our Predecessor. Moreover, We believe that at the present time it is necessary to call upon your diligent attention to a particular matter, so that the ancient efforts of the Supreme Pontiffs and Bishops may not be in vain.

(Notes)

On the days of November 10, 11, 12, and 15, the 19th Italian Catholic Congress was held in Bologna, where various deliberations were received, which will serve as a program of Catholic action in Italy. The honorary president was His Eminence and Most Reverend Lord Cardinal Svampa, Archbishop of Bologna, and several Archbishops and Bishops were present, along with approximately 1500 representatives of Societies and Catholic periodicals.

His Holiness, taking this opportunity, sent the aforementioned Brief to the Most Illustrious Lord John Count Grosoli, General President of the Congresses and Catholic Committees in Italy, which was heard by all present and received with great acclaim.

The Congress responded to His Holiness in this manner:

"TO HIS HOLINESS, POPE PIUS X. – Rome.

The Italian Catholic Congress, which has just begun on this auspicious day that commemorates Your elevation to the Episcopate, received Your venerable letter with reverent applause, demonstrating with evident signs its firm filial intention to affirm, in the freedom of speech and vote, its unwavering devotion to the Holy See, and to strengthen the unity and concord of minds, a supreme necessity for Italian Catholic action."

Cardinal Svampa – Count Zucchini, president of the Congress – Count

Translated by churchlatin.ai, a product of Boyne Archives

Grosoli, general president.

[*Latin ed. p. 286*]

286 FROM THE SECRETARY'S OFFICE: We must speak of the concord which ought to reign among those who promote the Catholic Action in Italy, and we wish to speak of the much-desired union of Catholic forces. Indeed, if any benefit is to result from the present Congress, which, moreover, will certainly benefit the Catholic Action through the seriousness and fidelity of so many of you, it is necessary that it finally bring to fruition what has hitherto been the desire of all, namely, that, once all distrust and all inclination to follow one's own inclination have ceased, and the goal of achieving [unity] has been made clear, all may be persuaded of the necessity of being fully concordant, both in action and in writing, and of reaffirming within the excellent Work of the Catholic Congresses of Italy the union of individual associations. You, therefore, to whom nothing is more dear than the advancement of the Catholic cause, must follow this guidance, the spirit of which is well known: for a new program could not rightly be demanded, since the social question has already been skillfully treated in the Encyclical *Rerum Novarum*, and the Catholic Action in the *Decrees of Common Action* and in the instructions issued on this subject by the Holy Congregation for Extraordinary Affairs. It is therefore necessary to adhere to these most important documents, and for no reason to deviate from the interpretation given of them by this Apostolic See and by our venerable Brothers, the Bishops. Although obedience must be given to those who give orders because they are clothed with legitimate authority, it is nevertheless right and fitting that, in the fervor of action, the youth should also show due deference to those who, by age and experience, are fit to be the guides of others. Therefore, with alacrity and prudence, attend to the work of the present Congress, knowing that eminent benefits are expected from your virtue, both for civil and religious society. Under the auspices of divine grace and as a sign of our benevolence, we impart from our heart the Apostolic Blessing to you and to all those who will participate in the Congress. Given at Rome, near St. Peter's, on this 6th day of November, 1903, in the first year of our Pontificate. PIUS PP. X.

[*Latin ed. p. 287*]

287. The Acts of the Roman Congregations state that a perpetual profession of simple vows entails the relinquishment of benefices with residence. Eminence, Most Reverend, the Congregation of the Missionaries, Sons of the Immaculate Heart of Mary, obtained from the Holy Congregation of the Very Reverend and Reverend Fathers in the year 1880 the faculty to admit its students to the Holy Orders with the title of *mensa communis*, with this clause added: "However, this does not apply to those who enter the Society, already possessing the Holy Order, and enjoying their own title

Translated by churchlatin.ai, a product of Boyne Archives

of ordination." Then, the Holy Congregation for Extraordinary Ecclesiastical Affairs, on March 29, 1881, granted this grace for a period of ten years, without the aforementioned restriction, adding that the grace was valid "both for those who are ordained, and for those who are already ordained with another title and enter the Society therein." This grace was denied in the year 1891 by both of the aforementioned Holy Congregations. Now, the question is asked: Do novices who possess a benefice with residence, before their profession, need to appeal to the Holy Congregation of Bishops and Regulars in order to be able to renounce the benefice, or rather, does the benefice become vacant by the very fact of the profession?

(1) Version: The Congregation of Missionaries, called Sons of the B. Virgin Mary, in the year 1880, obtained from the Holy Congregation of Bishops and Regulars the faculty to promote its students to the Holy Orders with the title of *mensa communis*, with the clause added: "However, this does not apply to those who enter the Society, already possessing the Holy Order, and enjoying their own title of ordination." Then, the Holy Congregation entrusted with Extraordinary Ecclesiastical Affairs, on March 29, 1881, granted this grace for a period of ten years, without the aforementioned restriction, adding that the grace was valid "both for those who are ordained, and for those who are already ordained with another title and enter the Society therein." But this grace was denied in the year 1891 by both of the aforementioned Congregations. Now, it is asked: Do novices who possess a benefice with residence, before their profession, need to appeal to the Holy Congregation of Bishops and Regulars in order to be able to renounce the benefice, or rather, does the benefice become vacant by the very fact of the profession?

[*Latin ed. p. 288*]

288 FROM THE DECREES OF BISHOPS AND REGULAR CANONS. The Sacred Congregation of Bishops and Regulars of the Holy Roman Church, entrusted with the affairs and consultations of the Most Eminent and Reverend Cardinals, having considered a certain doubt: Whether, in the Congregation of Missionaries called "Immaculate Heart of the Blessed Virgin," the perpetual profession of vows entails the loss of residential benefices: it was decided that the following answer should be given: Affirmative. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 25th of August, 1903. L. * S. D. CARD. FERRATA, Prefect. Phil. GIUSTINI, Secretary. THE CONVENT OF THE ORDER OF PREACHERS in Gorácea, in the nation of Portus, is canonically erected. Most Blessed Father, the Provincial of the Order of Preachers of the Province of Tolosa humbly requests Your Holiness to canonically erect a Convent, located in the place commonly called Porto Nacional, in Brazil. And God, etc. By virtue of special faculties granted by Our Most Holy Lord, the Sacred Congregation of Bishops and Regulars of the Holy

Translated by churchlatin.ai, a product of Boyne Archives

Roman Church, entrusted with the affairs and consultations of Bishops and Regular Canons, having heard the petition of the Father Procurator General of the Order, benignly grants the Father Master General, with the consent of the Ordinary of Goácia, the power to proceed to the canonical erection of the aforementioned Convent, with all the privileges and spiritual graces with which other Convents of the aforementioned Order legitimately enjoy and possess, provided that all that is required by law be observed, according to the Holy Canons and Apostolic Constitutions. Notwithstanding any contrary provisions. Rome, 15th of September, 1903. L. * S. D. CARD. FERRATA, Prefect. O. GIORGI.

[*Latin ed. p. 289*]

289 FROM THE SACRED CONGREGATION FOR THE CAUSES OF CANONIZATION, THROUGH SUMMARY REQUESTS, No. I, OF THE SERVINE INDULGENCE, dated September 5, 1903. Eugenius Fiumano, who for sixteen years has been a theological canon in the Metropolitan Church of St. Severinus, and who has always faithfully fulfilled his duties and the law of residence, although afflicted by a serious stomach ailment since the years 1894-95, as medical evidence confirms, in the past month of the year just elapsed, presented petitions for a dispensation from the law of the choir and residence for a period of five years, under the condition of appointing a substitute or coadjutor until his illness subsided. Upon being asked to report on the qualities and capacity of the person to be appointed as a substitute for the choral duties and for the scriptural readings, and furthermore to ascertain the opinion of the Chapter, the Archbishop responded, regarding the former, that due to the lack of clergy in the city of St. Severinus, no suitable substitute could be found by the theological canon Fiumano; therefore, he is now limiting his petition to a dispensation only from the choir and residence due to his infirmity, returning from his native town each week to deliver the scriptural reading. Furthermore, the Archbishop notes that infirm canons who do not reside, *Acta*, Vol. XXXVI, p. 425.

[*Latin ed. p. 290*]

290 According to the decrees of the Sacred Council, and in accordance with the ancient Constitutions of the Chapter of Saint Severinus, those who are absent from their duties are subject to penalties. Regarding the second point, or the vote of the Chapter itself, it is stated that three canons were opposed, while six were more favorably disposed towards the petition of Canon Fiumano, but with the condition that another sworn medical opinion be produced, and that the period of absence be limited to a stricter timeframe. Given these premises, it can be noted that the requested dispensation appears to be denied. However, the reason for the infirmity remains insufficiently proven. Canon Fiumano relies on medical attestations,

Translated by churchlatin.ai, a product of Boyne Archives

which, since they are not sworn, cannot fully establish their credibility; hence, some canons, as is evident from the vote of the Chapter transmitted to the Sacred Congregation concerning his infirmity, doubt the validity of his condition, especially because the unhealthiness of the water, which, according to Canon Fiumano, is the cause of the illness, lacks a foundation based on a chemical analysis. Furthermore, the granting of this dispensation would lead to a serious detriment to the choral service. And indeed, in the aforementioned vote of the Chapter, it is stated that out of the twelve canons who comprise the Chapter, one enjoys a dispensation from certain duties and is not fully present; three are over seventy years of age, and it is evident that old age itself is a disease; another frequently suffers from the pains of gout; the Canon Penitentiary is devoted to hearing the confessions of the faithful; and the younger canon leaves his residence during the summer months to be with his family, residing there for the conciliar months. However, those canons who observe the law of residence and are not hindered by any illness, participate in the choir, but only for half of the alternative weeks. Finally, it must be diligently noted that the Archbishop reports, and the Chapter confirms, the custom that exists there of fining canons who are infirm and remain outside of their residence. For, as Benedict XIV states in *Inst. eccl.* 107, §8, n. 46, in a decree dated December 2, 1666, it was asked: I. Does a canon or beneficiary, who is accustomed to serve, receive daily distributions, if he is absent from the city?

[*Latin ed. p. 291*]

During a legitimate period of leave, Saint Severinus went to a neighboring town (from which, at the end of said leave, he can conveniently return to the service of the Church), and there, due to a physical infirmity, he is detained in such a way that he is unable to return to the city and participate in the choir; and this is the case. II. Does this situation apply even if a contrary custom prevails in the Church? The Sacred Congregation of Councils responded: To the first question, it is to be considered; to the second, it does not apply if a custom has been legitimately established. Other resolutions can also be consulted from Veliterno, Fallen Harum, November 28, 1857; Osimo, April 28, 1860; and Rieti, April 19, 1692, in which it is determined that stipends are to be paid to the canonical prebendary, provided that this does not contradict particular constitutions and the custom of the Church. See also Reiffenstuel, book 3, decrees, title 4, § 7, n. 190, where a distinction is made between a particular statute and a custom with regard to the distribution of revenues to canonical prebendaries who do not reside there. Therefore, since the custom mentioned in the matter appears to have been legitimately established, because, as the Capitulars testify, it is very ancient, if an indulgence of absence is granted, it should be given with the condition of forfeiting daily distributions, or with the forfeiture of the fruits of the small mass; and indeed, not for five years, as Canon Fiumano requests, but

Translated by churchlatin.ai, a product of Boyne Archives

for a shorter period, say three years, as the canons who seem inclined to grant his request believe: for this period of time is considered sufficient to regain his former health. On the other hand, it should be noted that there is no doubt about the infirmity of Canon Fiumano: for the Archbishop testifies to it in plain words: "We earnestly commend the orator's prayers, which are offered with sincerity." Furthermore, it is confirmed by three trustworthy physicians; but since some of the Capitulars have doubts about it, a sworn medical testimony may also be requested for the granting of the indulgence, or even the orator's conscience may be burdened by the precise necessity of his absence due to the aforementioned circumstances.

[*Latin ed. p. 292*]

292 From the decrees of the Holy Council, as was answered in Regien. - Indulgences, December 14, 1850. It is, however, the constant and uniform practice of the Sacred Congregation that, whenever infirmity is proven, the indulgence for absence from the choir and from residence shall never be denied; this is clearly stated in the well-known and singular chapter concerning non-residents, in section 6. Furthermore, such natural benevolence cannot be delayed, and much less can it be hindered by the opposition of canons or others who have an interest, which, when infirmity or a legitimate impediment to residence is proven, is considered unjust and unreasonable, according to the resolutions in Piscien. - Indulgences, December 6, 1760, in Praeten. - Absence from the choir, June 23, 1764, and in Caserta - Indulgences for absence, December 16, 1797. Such indulgences are not even refused to parish priests, if, due to inclement weather, they are unable to reside, without any distinction of health, as was the case in Tarragona. - Residence, March 24, 1773. It should also be noted that some canons, under the pretext of damage to the choir, bring up the matter of resignation from the benefice or the appointment of a substitute: first, it seems inhuman and contrary to equity that someone who is unable to serve the choir or to reside due to illness should be forced to relinquish the benefice, and thus to add affliction to affliction. Regarding the second point, it is answered that, according to the canonical law of Fiumano, if a substitute cannot be appointed, this should rather be attributed to a lack of clergy, as the Archbishop testifies; but furthermore, it cannot be demanded that the infirm person be compelled to serve or reside through a substitute, as the Holy Congregation declared in the aforementioned decree of Piscien. Moreover, it should be noted that the canon of Fiumano promises, by his own accord, to deliver scriptural readings when returning to his native town each week, as the Archbishop testifies in his letter of November 18, 1902; and on the day he reads, he is considered present in the choir, as has been decided on several occasions by the Sacred Congregation, as Ferraris's *Bibliotheca Canonica* states, "er. canon. art. IX, n. 41-42." As for the

Translated by churchlatin.ai, a product of Boyne Archives

custom received in the church of Cathe-

[*Latin ed. p. 293*]

LIMBURGEN. 293 drals of St. Severina: Regarding the daily distributions which are not to be given to the canonical sick who remain outside the place of residence, it seems that nothing certain can be established by law; rather, this depends on particular circumstances, provided that the Holy Congregation has not always recognized these customs, as is stated in Veliterna-Fallentiarum, November 28, 1837. However, one thing is certain: the Church follows the sick with the utmost kindness and does not allow affliction to be added to those who are already afflicted; and therefore, the Holy Congregation does not consider the statutes of the Chapters, which deny daily distributions to the sick, to be valid, because they are unreasonable and contrary to the good of the Church, as testified by Fagnano, book 3, Decretalium, chapter 1, on sick clerics, number 136. And the Most Eminent Fathers replied on September 5: "Considering the particular circumstances presented, a dispensation is granted for three years, if so long, without the distributions, with the firm obligation of performing scriptural readings."

PER SUMMARIA PRECUM. No. II. LIMBURGEN. APPLICATION FOR MISSES. September 5, 1903. In the town of Ellar, in the diocese of Limburg, a chapel dedicated to St. Mark was founded in ancient times, later called "Kapellenhof," which is endowed with 38 acres. From the year 1550 to the year 1630, the Catholic cult was extinguished in the town of Ellar due to the Lutheran heresy; during that time, the aforementioned foundation was transferred to the parochial fund of the mother church.

[*Latin ed. p. 294*]

294. From the General Council, the town of Lahr was incorporated. However, in the town of Ellar, after the restoration of the Catholic faith, a dispute arose between the pastor of the town of Lahr and the parishioners of the church of Ellar, who, despite the aforementioned pastor's denial, maintained that he was obligated, by reason of the property "Kapellenhof," to celebrate a weekly Mass in Ellar. The matter was concluded by a decree of the civil authority, which imposed upon the pastor the obligation to celebrate Mass every Saturday in Ellar, without any mention being made of the application of the Mass for the benefit of the founder. In the following time, Mass was not always celebrated on the designated day, nor was a Mass offered for the soul of the founder. But since, in the year 1838, the filial church of Ellar was again separated from the church of Lahr, and established as a parish, the property "Kapellenhof," separated from the parochial property of Lahr, was united with the new parish of Ellar-Hausen, without any mention being made of a Mass founded. The Bishop of Limburg, in an extrajudicial manner, rendered a judgment regarding the application of the Mass, from which the pastor of Ellar-Hausen appealed to

Translated by churchlatin.ai, a product of Boyne Archives

the Holy See; therefore, the following questions are raised: I. Is the pastor in Ellar-Hausen obligated to celebrate a weekly Mass for the benefit of the founder of the property "Kapellenhof"? And if so; II. Should the prayers of the pastor be considered in relation to this very serious new obligation, namely, to reduce the weekly Mass to one celebrated monthly or quarterly? The Bishop of Limburg, expressing his opinion, stated: "When the parish of Ellar was established, the property "Kapellenhof" was given as an endowment, without any mention being made of the obligation to apply a Mass for the benefit of the founder, while the pastor of Lahr celebrated Mass every week in the village of Ellar, due to the fruits assigned to him from said property. If, indeed, this obligation once existed, which is the cause of the dispute, I do not believe that it should continue after the establishment of the parish, nor that it should be considered as fulfilling the Masses offered for the people on Sundays and holidays. "The annual revenues of said parish, according to the ecclesiastical accounting of the previous year, amount to the sum of 2500 guilders; revenues which today, from public funds, amount up to 3625."

[*Latin ed. p. 295*]

LIMBURGEN. 295 *libellae* have been added. However, since the income assigned to the parish from this fund depends on the age of the parish priest, the successor to the current parish priest may receive only 2500 *libellae*. The appropriate sum established for this diocese is 1775 *libellae*. There is no passive endowment for the parish of Fondi. The obligations for Masses, with the exception of approximately 80 Masses to be offered for the people, are listed in item no. 96 of the table. If the Sacred Congregation of Councils should decree that the parish priest is obligated to offer a weekly Mass for the founder of the aforementioned "Kapellenhof," then, it is likely that the sum will be reduced, and any loss resulting from this obligation will be compensated; but this sum assigned to him from the public treasury can be revoked at any time." Furthermore, the parish priest of Ellaren maintains that he has fulfilled his obligation to offer a Mass for the founder based on three grounds: 1. Because this obligation is not found in the inventories of the church of Lahren, nor in the tables of endowments, nor is there any mention of it anywhere. 2. Because in the year 1675, when the inhabitants of the village of Ellar requested from the civil authority the provision of a Mass, it was indeed decided that the parish priest of Lahren, who then held the incorporated chapel of "Kapellenhof" within the parish, should offer a Mass in Ellar every Saturday, but no mention was made of the obligation to offer it for the founder. 3. Similar endowments, without the obligation to offer a Mass, also exist in the parish of Grossholbach, so that the parish priest is obligated to say Mass on weekdays in the filial churches of Kleinbolbach and Girod, to the benefit of the filial churches, which are far from the mother church. It should be noted, however, that in

Translated by churchlatin.ai, a product of Boyne Archives

the year 1838, when the new parish of Ellaren was established and the aforementioned incorporated chapel was added to it, the tables of endowments are presumed to have been examined, or at least scrutinized; therefore, if no obligation was imposed to offer a Mass for the benefit of the founder, there is reason to believe that nothing was stipulated regarding such an application in that case.

[*Latin ed. p. 296*]

296 From the Sacred Council: It can be observed, however, that although, in general, the request for the celebration of Masses in testaments is considered to also impose the obligation of application, as observed by Benedict XIV (De Sacro Officio, book 3, chapter 9), especially when it is discovered that the testator or founder, along with the benefit of the people, also intended to provide for the salvation of his own soul; nevertheless, this rule is suspended when, from the context of the disposition and from other circumstances, it can be inferred that the testator intended something different; as is evident in Trent – Regarding the application of Masses, February 27, 1768, and in Brixen – Regarding pious legacies, July 24, 1838. In such cases, it seems more appropriate to follow the rule of law: "In obscure cases, we follow what is most likely." On the contrary, it can be noted that the obligation to apply a Mass for the founder of a chapel was recognized by the Bishop of Limburg, under whose jurisdiction the parish priest of Ellaren is. This declaration does not seem to lack a solid foundation; indeed, a chapel founded with the obligation of a Mass is presumed to be intended by the pious founder to be celebrated for the salvation of his own soul, unless the contrary is proven; and when there is no evidence of this contrary intention, it is more appropriate to apply the principle of rule 45 in 6: "We consider what is most likely in hidden matters." Indeed, as can be gathered from a certain inventory reported by the Bishop and compiled by the parish priest of Yorst, the parish priests of Lahren, before the year 1838, when the parish of Ellaren was established, applied a weekly Mass for the founder; and that the subsequent observance of not applying a Mass for the founder did not take effect; for the Holy Congregation does not usually take into account the observance of not applying a Mass for the founder when the circumstances are lacking that would lead one to presume that the testator did not intend to order the application of the Mass, as noted in Turin – Regarding the application of Masses, April 26, 1836. Therefore, the obligation placed upon the parish priest of Ellaren to apply a Mass for the founder of the chapel does not seem to involve any burden of re-

[*Latin ed. p. 297*]

PARISIAN. 297 The imposition of this duty is to be considered, both because the detriment resulting from this burden will be compensated by a sum from the public treasury, and because the revenues assigned to the

Translated by churchlatin.ai, a product of Boyne Archives

parish priest are very considerable. On the other hand, it must be noted that the assignment of this aforementioned sum is not certain, and moreover, it can be revoked, as the bishop testifies with these words: "The sum by which, it is likely, the detriment that may result from this obligation will be repaired, is a sum that must always be considered as revocable from the public treasury." The revenues that the current parish priest receives, as stated in book 3625, are variable according to the age of the parish priest, and perhaps the succeeding parish priest will receive 2500 livres, as the bishop says; then these revenues do not seem so considerable, considering the places and the region, for the honest sustenance of life: hence, some reduction of the burden does not seem to be to be denied. Under these circumstances, the Most Reverend Fathers Cardinals considered it appropriate to respond to two doubtful propositions on September 5, 1903: To I. Provision will be made in 2°. To II. Considering all the reasons for granting a reduction of the burden to two Masses in each month, given the current circumstances, and the reduction is placed in the table. ON PAGE No. IV PARISIAN. NULLITY OF MARRIAGE September 5, 1903. Session 24, chapter 1, Concerning the referral of marriages. Case: Joseph B. obtained, on the very morning of the marriage, from the confessor, a dispensation regarding the impediment of affinity arising from an illicit *c o pula*, on November 14, 1894, the marriage was celebrated before...

[*Latin ed. p. 298*]

298. FROM THE HOLY GENERAL COUNCIL: The Church became involved with Blanca V. After almost fourteen months, a woman who harbored insane affections for a young man studying medicine, bid farewell to her husband, who subsequently petitioned for and obtained a civil divorce. Having obtained this decree, she earnestly requested the Parisiensem Court to issue a declaration of nullity of the marriage with Blanca V., due to the invalidity of the dispensation granted. The husband contended that the dispensation granted in this case had used the faculties of three years, whereas it should have used the faculties of five years, by virtue of which a dispensation is granted over the impediment of affinity arising from an illicit union; and not, as was proper, the faculties for a specific number, namely for twenty cases, by virtue of which impediments of public affinity are relaxed, which arise from acts of fornication. The Parisiensem Court, having constituted a tribunal, initiated the proceedings, but Blanca V., the defendant in the case, duly summoned, refused to appear. Neither could Bertha, her sister, with whom Joseph had lived in a marital relationship for about six months – and from whom the impediment of affinity arose – be questioned; for she had already passed away. Nor had their mother, who had also died; but having heard the plaintiff and his witnesses, the Parisiensem judge issued the following judgment on March 16, 1901: "Considering that there existed between

Translated by churchlatin.ai, a product of Boyne Archives

Joseph B. and Blanca V. an illicit affinity in the first collateral degree, which, according to ecclesiastical law, constitutes a diriment impediment; and that this affinity was public, so that it could only be removed by a dispensation granted in the external forum; Considering that, from the very testimony of the plaintiff, it is established that the dispensation was requested from and obtained by the Ordinary of Paris by the plaintiff, just before the marriage was celebrated, and that the plaintiff was informed with these words: 'You can safely celebrate the marriage'; Considering that nothing has been proven to demonstrate that this dispensation was requested and granted only in the internal forum, especially since the confessor appears to have been a prudent and learned man; Considering that, under these circumstances, a serious doubt remains as to whether the Ordinary, who indeed possesses the power..."

[*Latin ed. p. 299*]

PARIS. 299 "He has the power, both internally and externally, to dispense; he must have intended to dispense either internally only, or in both ways, that is, to remove whatever might oppose the marriage;

"Nor does it matter that mention of this dispensation is not found, using explicit names, in the records of the Officiality, since the omission of this inscription cannot invalidate the dispensation;

"Therefore, considering this serious doubt, it cannot be said with certainty that the marriage was null;

"We declare and pronounce that there is not sufficient cause to declare the marriage between Joseph and Blanche null and void."

The man, aggrieved by this judgment, appealed to the Holy See, and obtained the right to add certain new pieces of information to the records of the process concerning the alleged dispensation, as mentioned in the judgment. The Parisian court then sent all the records of the process to the Sacred Congregation of the Council, which, regarding the controversy that arose concerning the validity of the dispensation obtained from the confessor, requested the opinion of two Consultors.

The Consultors, with the greatest wisdom and diligence, performed their work with great expertise, and rendered their judgment. They examined whether: 1° an impediment of affinity arose from an illicit union before the celebration of the marriage; 2° whether this impediment was public; 3° whether this impediment was actually removed.

The sum of the opinions of the Consultors was as follows: 1. The existence of the aforementioned impediment is proven by the testimony of the man who swore an oath. "My relations with Bertha V. began on September 15th, when, indeed, I rented a room in an inn, in which Bertha stayed with me day and night, and in which we always used the same bed." This

Translated by churchlatin.ai, a product of Boyne Archives

cohabitation was witnessed by the mother, and by Bertha's sister.

[*Latin ed. p. 300*]

300. From the Sacred Council, it is known, as the accuser affirms. And all these things are testified to by ten witnesses, who were heard in a proper manner, among whom is Elizabeth L., a hostess of the house where the V. family resided: "Indeed, I had observed the relations between Joseph B. and Bertha V. before the celebration of the marriage, for she herself revealed this to me." And Margaret F., a friend of Bertha, testifies from what she saw: "I knew the intimate relations that Joseph B. had with Bertha V. They lived as husband and wife; I accompanied them to a tavern, and while a separate room was prepared for me, they used the same bed together." Finally, Felix M., a townsman and a friend of the accuser since childhood, testified under oath: "One morning, I visited a friend at the tavern, and upon entering the room, I found not only him but also a certain woman, partially and imperfectly dressed." Later, the witness identified that woman as Bertha V. The other witnesses likewise affirm, with complete certainty, the concubinage that lasted for a longer or shorter time, and they also state that this cohabitation was well known to both the mother and the sister of Bertha. Therefore, it cannot be doubted, according to the Consultors, that there existed an impediment of affinity, arising from an illicit union, between Joseph B. and Blanca V. before their marriage.

II. Furthermore, it is established, according to the most esteemed Consultors, that this impediment was notorious. Benedictus XIV speaks extensively about public and private knowledge in Notification XX (Notifications, Part IV), especially relying on the authority of those Doctors who held a position in the Sacred Penitentiary Tribunal. Although these Doctors use the number of people to whom the impediment is known as the criterion for distinguishing between public and private knowledge (Syrus, *Dilucidatio facultatum Maior. Poenit.*, Rome, 1699, p. II, cap. 2, p. 275; Marcus Paulus Leo, *Praxis ad Literas M. Poen.*, Milan, 1665, p. II, *De occultis*), even they, and others, who...

[*Latin ed. p. 301*]

PARISIEN. 301: This rule is taught by those Doctors who propose a more general and rational norm, especially when it is a question of matrimonial impediments. Thus, Syrus, after having said: "Therefore, if an impediment is known to three or more people in a certain place or community, or to five or six people in a city, it must still be considered hidden," adds: "provided that it has not been divulged by others, or that it does not appear from the circumstances to be easily made public" (I.c.). And Reiffenstuel observes, in relation to this rule: "In practice, it must be considered not only how many people know the impediment, but also who those people are, because it can easily happen that with respect to two or three, for

Translated by churchlatin.ai, a product of Boyne Archives

example, garrulous or hostile people, the danger of divulgence is truly present, especially if other circumstances also threaten such a danger" (lib. IV, Append. de dispens, super Imped. num. 46). Sánchez, on the occasion of the question: "Whether a marriage begun before a priest and witnesses is invalid because of a hidden impediment, and whether, after the impediment is removed, it must be celebrated again before a priest and witnesses," defines the term "hidden" according to a more general and rational rule: "In the present case, in order for an impediment to be called hidden, and so that, after it is removed, the marriage can be celebrated validly, I believe that 'hidden' should be understood as that which is distinguished from what is 'fully probable.' It is said to be 'fully probable' in the external forum when it can be proven with two witnesses, as others teach (Mascardi de Probationibus, conci. 410, n. 19), and this is expressly stated in chapter 'How often about witnesses and those present.' Those witnesses must be not only suitable, but free from all major exceptions. Therefore, if three or four people knew of the impediment solely through the account of a spouse, it would still be said that the impediment is hidden, because those witnesses do not provide sufficient credibility to dissolve a marriage, since they only testify to the spouse's confession, which is not sufficient for this purpose" (lib. II, disp. 37, n. 11). Cf. also Corradi, Praxis dispens, lib. 7, cap. 7, n. 11; S. C. C. Neapolitana - matrimonii, 14 Iunii 1884.

[*Latin ed. p. 302*]

302 FROM THE HOLY GENERAL COUNCIL: In accordance with these principles, the Consultors conclude that it cannot be doubted that a public impediment exists in our case. Indeed, the accuser himself admits that for about six months he had marital relations with Bertha V., which her mother and sister knew well. All the witnesses testify, from their own knowledge and from the persuasion of other inhabitants, that these relations were public, insofar as "they lived together as husband and wife." Furthermore, two witnesses, under oath, affirmed that they had seen Bertha and her companion spending the night in the same room, or rising from the same bed. Moreover, one of the Parisian theologians testifies: "The fact of the public nature of the relations between Joseph and Bertha is not uncertain. There was cohabitation for about six months, and furthermore, there were those certainties that arise from human knowledge about the way of life of a man with a woman: there is the confession of the accuser himself and the witnesses, and the depositions of other persons. Therefore, we are certainly faced with a public impediment of illicit affinity in the first degree of collateral relationship." Therefore, there is no doubt that a public impediment of affinity is present. Hence, a very astute Parisian judge judged that there was a public affinity in the case in question, using precisely these words: "Considering that there existed between Joseph B. and Blanche V. an illicit affinity in the first degree of collateral relationship, which, according to

Translated by churchlatin.ai, a product of Boyne Archives

ecclesiastical law, constitutes a diriment impediment, and that this affinity was public, so that it could only be removed by a dispensation granted in the external forum." III. It is fitting to proceed to the third and most important point, namely, that it is established that this impediment has not been removed. Indeed, a very learned canonist Consultor states that the impediment of affinity, whether arising from a lawful marriage or from an unlawful union, can only be removed by a dispensation. Although the granting of dispensations from diriment impediments exclusively pertains to the Supreme Pontiff, nevertheless, Bishops can sometimes grant dispensations from the same, either by tacit or express concession of the Roman Pontiff.

[*Latin ed. p. 303*]

PARIS. 303 Furthermore, the Archbishop of Paris, as is evident from the acts of the Sacred Penitentiary, has obtained the faculty of granting dispensations from impediments arising from illicit unions, in two ways: namely, for a period of five years in cases that are concealed, and for a determined number of cases in those that are public. Although a single subject is the recipient of these faculties, the faculties themselves always remain distinct, and just as a dispensation granted by virtue of the faculty for public cases is valid for both forums, so conversely, a dispensation granted by virtue of the faculty for concealed cases is either null if the case is public at the time of the dispensation, or if a concealed case becomes public at the time of the dispensation, the dispensation cannot in any way be efficacious for the external forum, according to the clause that the Sacred Penitentiary usually adds: "so that such a dispensation will not be efficacious in the judicial forum." Indeed, concerning this dispensation, the question is not to be raised whether it was truly requested by the confessor before the Curia or not, since contradictory statements have been made by the actor regarding this matter. But rather, the canonist consultant argues, if it was truly requested, it was certainly requested in the internal forum. For from the fact that Joseph B., who was certainly subject to an impediment, revealed this impediment to a confessor who was unaware of it, only during the sacramental act of confession, it is strongly presumed that the impediment was removed by the dispenser in the same way, or by the same means, in which it was revealed, that is, only in the internal forum. Moreover, according to the same most excellent consultant, a dispensation for the marriage of Berthe V. would have been validly granted: a) either by virtue of the three-year indulgence; b) or by virtue of the indulgence for a determined number of cases; c) or finally, by virtue of both, through a combined intention of the dispenser. But not by virtue of the former: because the impediment in this case, far from being concealed, was truly and properly public; because, according to the style of the Sacred Penitentiary (which has the force of authentic and declaratory interpretation in these matters), an indulgence

Translated by churchlatin.ai, a product of Boyne Archives

granted for the internal forum is so strictly limited to that forum that it has no effect...

[*Latin ed. p. 304*]

304 From the external forum of the Sacred Council, even concerning marriage already contracted, the following holds true: "provided that the impediment is hidden, so that for such a case, no concession whatsoever is granted for the external forum"; because, setting aside other general considerations, a specific interpretation was given by the aforementioned Sacred Penitentiary for the Paris [Parisiensi] Court, equivalent in its meaning regarding the power to grant a dispensation concerning a hidden impediment, which is in no way to be extended to a non-hidden impediment. This is not by virtue of a later decree; because, as already stated, the dispensation requested was solely and exclusively within the internal forum, in the act of sacramental confession. Indeed, the judge argues that the request and the concession were made in the external forum, because the confessor appears to have been a prudent and learned man. However, precisely if this confessor, being an unknown learned and prudent man, initially perceived that the case concerned a public impediment, he would then have requested a dispensation for the external forum, which, according to the customary formalities and precautions of the Paris Court, would have been granted and recorded. — But in truth, absolutely no formality whatsoever is observed in the present matter, no precaution is taken, and no record is made, as appears from the supplementary acts obtained elsewhere. For the Official of Paris, delegated for matrimonial causes, when questioned about this matter, clearly responded: "Whenever a dispensation is requested by any confessor, he always refers to the indult for hidden impediments, and not to the indult for public impediments." Therefore, the confessor in this case, if he were to request a dispensation for Joseph B., his penitent being unknown to him, would report it only with regard to the hidden impediment. Finally, it is not by virtue of both Indults, by the intention of the dispenser, concerning one and the same impediment, which may perhaps be hidden, and perhaps public, that the married couple is joined: because, the theological consultant follows, such a mixing of two Indults, one of which considers only hidden impediments, and the other only non-hidden impediments, appears to be entirely invalid and null. For there, not two, but three Indults are presumed, namely one for the hidden impediment, another for the non-hidden impediment, and a third...

[*Latin ed. p. 305*]

PARISIAN. 305. I maintain publicly, a third reason, which is that the impediment is perhaps public, perhaps hidden. — 2° Because the intention of the dispenser cannot change the nature of the impediment to be dispensed; just as the faculties of physiology are specified and limited by their

Translated by churchlatin.ai, a product of Boyne Archives

proper object, so too, the canonical faculties, at least by themselves and of themselves, are circumscribed within their proper sphere; that is, a dispensation concerning a hidden matter pertains to the internal forum, and a dispensation concerning a public matter pertains to the external forum; and furthermore, that these two spheres, intentionally joined together, allow both spheres to be reached. Finally, the Parisian Curia has always abstained from this aforementioned mixing. For the official of the Parisian Curia, duly delegated for such dispensations at that time, affirms that he has never, for the same case, joined together both dispensations; furthermore, he declares that all dispensations granted by Indult have always been registered, up to the number of 20 cases; furthermore, the Register notes specifically eighteen dispensations, without any mention of the marriage of Berthae V.; furthermore, from two other cases, which were perhaps not applied, he provides no trace whatsoever in the records of either the Curia or the Parish, from which it could be presumed that a dispensation was applied to the marriage of Berthae V. — Therefore, the dispensation for the aforementioned marriage was either never requested, or, through the confessor, it was requested and granted only in the internal forum and under the consideration of a hidden impediment, and therefore, no dispensation. But can it be said that the impediment ceased in these circumstances? — Emilius Gennari discusses this very question in his most profound and prudent Consultations (Edit. III, pages 325 and following, and more extensively, pages 702 and following); and there, among other conditions, he clearly defines the circumstances under which the impediment is considered to cease due to urgency, namely: "It is possible to dispense (by cessation) when a (a, b, to the matter) c: but these impediments must be hidden. If they were public, there would be no reason to postpone the marriage and wait for the dispensation from the Holy See; and in addition, Aota, Vol. XXXVI, title CDXXV, 20."

[*Latin ed. p. 306*]

306 FROM THE COUNCIL OF TRENT, it follows that a greater scandal would arise if it were known that the Bishop dispensed (indeed, without due authority) from a public impediment." Furthermore, no cessation of an impediment is granted, except "in cases of urgent necessity: 1st, when there is danger of death; 2nd, when everything is prepared for the marriage and there is no way to postpone it without probable infamy or scandal." Thus, Emilius Gennari, along with all the most esteemed moral theologians. Let us, therefore, examine in the case at hand, continues the esteemed Consultor theologian, whether the aforementioned conditions are fulfilled. The impediment must be hidden; but, in our case, it was truly and properly public, through the public, open, and evident cohabitation of Joseph with his concubine, whom moreover, many witnesses knew to be the sister of Blanche V. - And from this, the aforementioned confessor, having barely

Translated by churchlatin.ai, a product of Boyne Archives

heard of the previous cohabitation with Bertha, replied: "It is grave; you cannot marry under these conditions." He told him that it was necessary to request a dispensation from the Bishopric. Therefore, the confessor did not consider removing the impediment due to urgency, even though he knew well that the marriage was to be celebrated the following morning; but rather, he instructed Joseph to return the next day to receive the dispensation, which he sometimes obtained: "I must refer this to the Archbishopric. He gave me an appointment for the next day at eight o'clock." However, "the next day," the confessor declared that he had not been able to see "these gentlemen of the Archbishopric," but he did not utter a single word about removing the impediment himself due to urgency, except under that empty formula: "What do you want? In such cases, one cannot prevent the marriage." Furthermore, "urgent necessity" must be present. But where, in the case at hand, is that urgent necessity? Where is the danger of scandal or infamy, even if (gratuitously) we were to suppose that the impediment had been hidden? The witness testified that he would not have married, if the confessor had revealed to him that he had not been able to obtain a dispensation.

[*Latin ed. p. 307*]

PARIS. 307 "Adhuc oportet quod 'non sit tempus ad recurrendum ad Episcopum'," dicit Eminens Card. Gennari. Deinde, Confessor nullum dubium habet de possibili recursu ad Ordinarium: ipse enim, "dicit, 'oportet ut hoc ad Archiepiscopatum referam'." Transeat quod neque vespertinis horis huius diei, neque matutinis insequentis, non potuerit "hos viros videre"; immo, transeat quod nequidem eos videre fortasse conatus fuerit; constat tamen quod ipse putaverit recurrendum esse pro dispensatione, non autem remedium impedimenti cessantis applicandum esse. Caeterum, "vix et vix quidem," urget Consultor, cogitari potest recursum ad Ordinarium in civitate Parisiensi, vel praesentialiter, vel scripto tenus, etsi paucis horis suppetant. Et hinc est quod, quando agitur de remediis quoad impedimenta dirimentia in confessione detecta ante matrimonium, semper patet aditus Parochis et Confessariis ad Ordinarium. Animadversiones Defensoris Vinculi. Ex adverso, Sacramenti vindex contendit non satis constare de nullitate matrimonii in casu. Et in primis, animadvertit haud difficile esse impugnare priorem processum Parisiensem his causis: a) in causis de nullitate, uterque coniux auditur; b) in casu, vir fuit auditus, at non uxor; c) haec fuit quidem citata, at non comparuit, sicut testatur Curia Parisiensis: "La rea, citée à la date du 3 Novembre pour la séance du quatorze Novembre, n'a pas répondu à la convocation et ne s'est pas présentée. Un accusé de reception de la Poste indique que la citation lui est parvenue"; d) verum non exinde sanatus dici potest processus defectus, nam mulier, quamvis obedire detrectaverit et ideo deliquerit, non statim dici potest contumax in sensu iuris, quia ad hoc necesse fuisset, ut praecessisset citatorium peremp-

Translated by churchlatin.ai, a product of Boyne Archives

torium ad universam causam et cum comminatione quod alias ad ulteriora procedatur usque ad iudicii terminationem et mentionem; e) unde...

[*Latin ed. p. 308*]

308 From the records of the Council, the court of Paris should have legally compelled the woman to appear, all the more so because her whereabouts were known. Not content with these observations, that is, the defender of the marriage, I then, while urging the completion of new proceedings – the citation and examination of the woman – wrote the following: "Besides the plaintiff, it must be diligently ensured that the woman, Blanca V., or the wife of Joseph, who has not yet been heard, is sought out as much as possible, and, by the best means, for example, through the intervention of the parish priest, she is induced to appear, and to present all those things that, in the matter at hand, will seem appropriate." However, the defender of the bond notes that the court of Paris, when transmitting the latest proceedings, only noted about Blanca V.: "The defendant, however, is of dubious morals and of ambiguous faith, and, although duly summoned, did not appear." Furthermore, the defender of the bond contends that the affinity in this case is doubtful, because "it is certain, he says, in this our age, especially in large cities and particularly in the city of Paris (where there are many who, married or unmarried, engage in this practice under the name: 'les gants de Paris'), that many, whether married or unmarried, engage in this practice; namely, if married, to avoid having children, and if unmarried, both to avoid having children and to avoid venereal diseases"; and therefore, it is not at all surprising if, perhaps, Bertha and Joseph, despite their six-month cohabitation, day and night, and their indulgence in shameful luxuries, have engaged in this practice without natural intercourse, which alone constitutes the impediment of affinity. After considering these matters, on September 5th, 1903, the Most Reverend Fathers deliberated on the question: "Should the judgment of the court of Paris be confirmed or overturned?" They decided: "The judgment of the court of Paris should be confirmed."

[*Latin ed. p. 309*]

309 SUMMARY OF CAUSES. On November 21, 1903, a Sacred Congregation was held in the Apostolic Palace at the Vatican, in which, among other things, the following causes were proposed, according to the custom of the same Sacred Congregation, to be discussed; and which were resolved as follows: BY SUMMARY DECISIONS.

I. BERGOMEN. – DISPENSATION FROM IRREGULARITY.

R. After careful consideration, it is not deemed advisable.

Translated by churchlatin.ai, a product of Boyne Archives

II. GUAST ALLEN. – CUSTOMS REGARDING CHORAL SERVICE.

R. 1. With prior healing concerning the past, and for the future, with the understanding that the matter is to be discussed with the Most Reverend [Bishop].

2. The established regulations are to be observed.

3. And 4. The common law is to be observed.

5. With the understanding that a dispensation may be granted from singing only at the conventual Mass for a period of five years, except on all feast days and other days determined by the Bishop at his discretion and conscience, with the understanding that the matter is to be discussed with the Most Reverend.

III. MEDIOLANEN. – OBLIGATION OF MISSES REGARDING APPLICATION.

R. After careful consideration, a dispensation may be granted from the application of Masses for the founder on feast days, with the understanding that the matter is to be discussed with the Most Reverend.

ON A SEPARATE SHEET.

I. PARISIEN. – NULLITY OF MARRIAGE.

R. The sentence of nullity is to be confirmed.

II. PARISIEN. – NULLITY OF MARRIAGE.

R. The sentence of nullity is to be confirmed.

[*Latin ed. p. 310*]

E X 310 III. MOHYLOVIEN. R. IV. - s « G » CONCILII DISPENSATIONIS MATRIMONII. Affirmative. MECHLINIEN. - NULLITATIS MATRIMONII. R. In decisis. V . LUBLINEN. SEU VARSAVIEN . - SEPARATIONIS thori ET COHABITATIONIS. u m u m Ad l Providebitur in 2°. Ad 2 Affirmative ad l partem ex culpa viri attenta etiam eius confessione, negative ad 2 . a m a m V I. COLOCEN. - RESIGNATIONIS BENEFICII. (Sub secreto). n m R. Ad l In decisis et amplius. Ad 2 negative ad l partem, affirmative ad 2 ita tamen ut pensio non solvatur sacerdoti Fonyò, usque dum peractis spiritualibus exercitiis tempore et loco ab Archiepiscopo determinandis, scandala data non reparaverit, absolutionem ab excommunicatione, quatenus opus sit, non obtinuerit et humiliter se subiecerit. u m a m a m r VII. PISTORIEN. - PRAESENTATIONIS AD ECCLESIAM PAROCHIALEM. R. (Reservata). Negative et amplius.

Translated by churchlatin.ai, a product of Boyne Archives

Translation:

E X 310 III. MOHYLOVIEN. R. IV. - s « G » CONCILII DISPENSATIONIS MATRIMONII. Affirmative. MECHLINIEN. - NULLITATIS MATRIMONII. R. In decisis. V . LUBLINEN. SEU VARSAVIEN . - SEPARATIONIS thori ET COHABITATIONIS. u m u m Ad l Providebitur in 2°. Ad 2 Affirmative ad l partem ex culpa viri attenta etiam eius confessione, negative ad 2 . a m a m V I. COLOCEN. - RESIGNATIONIS BENEFICII. (Sub secreto). n m R. Ad l In decisis et amplius. Ad 2 negative ad l partem, affirmative ad 2 ita tamen ut pensio non solvatur sacerdoti Fonyò, usque dum peractis spiritualibus exercitiis tempore et loco ab Archiepiscopo determinandis, scandala data non reparaverit, absolutionem ab excommunicatione, quatenus opus sit, non obtinuerit et humiliter se subiecerit. u m a m a m r VII. PISTORIEN. - PRAESENTATIONIS AD ECCLESIAM PAROCHIALEM. R. (Reservata). Negative et amplius.

This passage appears to be a series of rulings or decisions regarding specific cases, likely within a diocese or ecclesiastical court. The abbreviations likely refer to locations or individuals involved. The rulings concern matters such as:

* Dispensation from marriage.
* Nullity of marriage.
* Separation and cohabitation.
* Resignation of a benefice (church office).
* Presentation to the parish church.

The "R." likely indicates a ruling or decision, and "In decisis" means that the ruling is based on previous precedents. "Reservata" indicates that the matter is reserved to a higher authority. The "u m u m" and "n m" likely represent specific conditions or considerations within each case. The phrase "sub secreto" indicates that the matter is to be treated confidentially.

[*Latin ed. p. 311*]

311 FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: A privilege is granted to the church of Makri-Kioi, concerning the granting of indulgences, even on the feast of the Most Holy Rosary.

Most Blessed Father,

In the parish church of the Mission of the Brothers Preachers in Makri-Kioi (in Turkey), the solemnity of the Feast of the Most Holy Rosary is, according to ancient custom, postponed to the second Sunday of October, that is, to the Octave of that feast; and on this day, it is celebrated with the greatest devotion of the faithful.

A doubt has arisen as to whether the faithful, on this second Sunday, can obtain the most precious "plenary" indulgence, and other indulgences pertaining to that feast. Therefore, in order to dispel any anxiety of con-

Translated by churchlatin.ai, a product of Boyne Archives

science, the modern Superior of this Mission, humbly prostrating himself before Your Holiness, implores the faculty, for this church of Makri-Kioi, of transferring the aforementioned celebration of the Most Holy Rosary to the second Sunday of October, with the privilege of obtaining all indulgences attached to it.

From the audience granted by His Holiness on September 22, 1903, His Most Holy Lord Pope Pius, by Divine Providence, PP. X, having been informed by the undersigned Secretary of the Sacred Congregation for the Propagation of the Faith, deigned graciously to grant the requested favor, with all things to be observed as requested.

Notwithstanding any contrary decrees.

Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the day and year above mentioned.

For the Most Reverend Secretary,

LAJJRENTI C.

[*Latin ed. p. 312*]

312 FROM THE HOLY CONGREGATION FOR RITES: INDULGENCE granted for the Basilica of Pompeii, concerning the feast of Saint Thomas Aquinas. Since in the Pontifical Basilica of Pompeii, under the title of the Most Holy Rosary of the Blessed Virgin Mary, a solemnity in honor of Saint Thomas Aquinas, Confessor and Doctor of the Church, is to be instituted annually on the third or fourth Sunday of May, by the members, especially those of the canonically established Militia Angelica, the moderators of said sodality, in order that such a feast not be concluded only in external matters, supplicated with fervent prayers for a privilege whereby all Masses may be celebrated on that Sunday in honor of the same Saint. His Holiness, moreover, receiving these prayers, supported by the esteemed and most reverend Lord Cardinal Joseph Prisco, Archbishop of Naples, and by the office of commendation of the aforementioned Basilica to his Holiness, graciously deigned to grant the requested privilege of Masses; provided that there are not two Masses of the first class, or a privileged Sunday Mass of the first class, and also two Masses of the second class, concerning the said feast of Saint Thomas; in which case, besides the solemn Mass, only one Mass of the second class shall be celebrated concerning the aforementioned feast of Saint Thomas, observing the rubrics. Contrary decrees notwithstanding. May 29, 1903. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. DECREE concerning the Beatification and Canonization of the Venerable Servant of God, Joanna Delanoue, Foundress of the Congregation of the Sisters of Saint Anne of Providence. At the request of the Most Reverend Father Mauro Maria Kaiser, of the Order of Preachers, Postulator of the Cause of Beatification and Canon-

Translated by churchlatin.ai, a product of Boyne Archives

ization of the aforementioned Venerable Servant of God, Joanna Delanoue, and with the Most Reverend and Most Reverend Lord Cardinal Francis Desideratus Mathieu, Relator of the same Cause, in the Ordinary Congregation of the Sacred Rites.

[*Latin ed. p. 313*]

From the Sacred Congregation of Rites, the following question was proposed for discussion at the Royal Sessions held in Vatican, in accordance with the special Apostolic regulations issued in the years 1878 and 1895: "Does it pertain to the validity and relevance of the Apostolic process, established with authority in the Curia of Angers, concerning the reputation of the sanctity of life, virtues, and miracles of the aforementioned Venerable Servant of God, in the case and for the purpose under consideration?"

Furthermore, after mature consideration by the Sacred Congregation of Rites, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, it was deemed appropriate to respond: "Affirmatively, or it is established," on November 10, 1903.

These matters were reported to His Holiness, Pope Pius X, through the undersigned Secretary of the Sacred Congregation, and His Holiness approved and confirmed the Decree of the aforementioned Congregation on the same day, November 11, of that year.

S. CARD. CRETONI, Prefect.

* S. f

D. PANICI, Archbishop of Laodicea, Secretary.

DECREE concerning the Beatification and Canonization of the Venerable Servant of God, Michael Garicoits, Priest, Founder of the Congregation of Priests of the Sacred Heart of Jesus.

At the request of the Reverend Father Maur Mariae Kaiser, of the Order of Preachers, and the Postulator of the aforementioned cause of the Venerable Servant of God, Michael Garicoits, of Bayonne, and presented by the Most Eminent and Reverend Cardinal Dominic Ferrata, the Advocate of the same cause, the following question was proposed for discussion at the Royal Sessions of the Ordinary Congregation of the Sacred Rites, held in Vatican, in accordance with the Apostolic regulations issued in the years 1878 and 1895: "Does it pertain to the validity and relevance of the Apostolic process, established with authority in the ecclesiastical Curia of Bayonne, concerning the reputation of the sanctity of life, virtues, and miracles of the aforementioned Venerable Servant of God, in the case and for the purpose under consideration?"

Furthermore, after mature consideration by the Sacred Congregation of Rites, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, it was deemed ap-

Translated by churchlatin.ai, a product of Boyne Archives

propriate to respond: "Affirmatively, or it is established," on November 10, 1903.

[*Latin ed. p. 314*]

314 FROM THE SACRED RITUALS. Subsequent actions concerning these matters were brought to the attention of Our Most Holy Lord Pope Pius X by the aforementioned Secretarius of the Sacred Congregation. His Holiness approved and ratified the Decree of the same Sacred Congregation on the 11th day of the same month and year. S. CARD. CRETONI, Prefect; S. f D. PANICI, Archbishop of Laodicea, Secretary.

THE USE of singing the antiphon "Salve Regina" after the solemn Mass for the Dead is disapproved.

Most Blessed Father, the Reverend Father Ladislaus Marszalkiewicz, General Procurator of the Congregation of the Resurrection of Our Lord Jesus Christ, humbly presented the following questions to the Congregation of Sacred Rites for a suitable solution: Namely: In the churches of his Institute, the custom of the choir singing the antiphon "Salve Regina" after the sung Mass for the Dead, and immediately after the absolution at the tomb, while the celebrant returns to the sacristy, has prevailed. Therefore, the following is inquired: I. Is this in conformity with the rubrics? II. Can this be permitted in the future? And the aforementioned Sacred Congregation, after considering the report of the aforementioned Secretary, and also the unanimous opinion of the Liturgical Commission, decided that a response should be given: Negatively to both, and the Roman Ritual should be observed (1). And thus, it responded on November 20, 1903. S. CARD. CRETONI, Prefect; S. f D. PANICI, Archbishop of Laodicea, Secretary.

(1) Indeed, the Roman Ritual, Title VI, Chapter III, Order for Funerals, no. 15, prescribes that after the sung Mass for the Dead and immediately after the absolution at the tomb: "returning to the sacristy, they shall say without singing the Antiphon 'Si iniquitates' with the Psalm 'De profundis,' etc.; 'Requiem aeternam,' etc."

[*Latin ed. p. 315*]

FROM THE SACRED RITUALS, SECTION 315, OF THE PROVINCE OF ENGLAND OF THE ORDER OF MINORS, LITURGICAL QUESTIONS ARE PROPOSED AND ANSWERED. Most Reverend and Reverend Fathers, Reverend Father Thaddeus Hermans, calendarist of the Province of England of the Order of Minor Friars, with the consent of his Reverend Provincial, humbly requested from the Congregation of Sacred Rites a solution to the following questions:

I. Whether the commemoration of the feast of the first class should precede the commemoration of the feast of the second class, so that on the double feast of Saint Romuald the Abbot, which is celebrated on February

Translated by churchlatin.ai, a product of Boyne Archives

15th, the feast of the Nativity of the Holy Martyrs Faustinus and Jovitus should be commemorated first, rather than the translation of Saint Anthony of Padua?

II. Whether the feasts of the Dedication of the Basilicas of Assisi, namely, the Basilica of the Porziuncula, and the Basilica of Saint Francis, which are declared by Benedict XIII to be matrices and heads of churches of the Order of the Seraphic Friars, should be observed as feasts of the first class throughout the Order of Minor Friars, as are the feasts of the Dedication of the Patriarchal Basilicas of the City of Rome throughout the Catholic world?

III. Whether, on the day of July 4th, the commemoration of the Octave of the Holy Apostles Peter and Paul should be given precedence over the commemoration of the day within the Octave of the Dedication of all the churches of the Order of the Seraphic Friars, even though the Roman Breviary of the Seraphic Order has hitherto ordered otherwise?

IV. Whether, if a day of joyful celebration within the Octave occurs, the feast of the Octave should be given precedence over a feast of higher rank or dignity, which does not have an Octave?

V. Whether, on the feasts of the Translation of Saint Francis and the Discovery of Saint Clare, if the Roman Breviary of the Seraphic Order is silent, the proper hymns, which are arranged in historical order, should be transposed or combined, depending on the circumstances?

VI. Whether, on the Octave of Saint Thomas of Canterbury, the Homily "As for you, let that which you have heard from the beginning abide in you. If that abide in you, which you have heard from the beginning, you also shall abide in the Son and in the Father." may be read in the Third Nocturn, as is permitted on the Second Sunday after Easter, which has already been granted in many places, although it is not yet included in the Octave?

VII. Whether, according to Decree No. 2390 of Warsaw, May 7, 1746, the collection for the Holy Sacrament is prohibited in private Masses.

[*Latin ed. p. 316*]

316 FROM THE SACRED RITUAL: During the exposition [of the Blessed Sacrament], which is not performed for a public cause, may something be added at the will of the priest? VIII. Is it necessary to add to the Conventual Mass, before the "Benedicamus Domino" and "Deo Gratias" of the preceding canonical hour, on the night of the Nativity of the Lord, the words: "Souls of the faithful, etc.," and the "Our Father," as some desire? IX. There are certain churches in England, which are attached to convents of nuns of Saint Clare, whose choir communicates with the church in the usual manner, or through grates. Are these churches to be considered as belonging to the nuns, with regard to the celebration of Mass, so that the Mass to be celebrated there should conform to the office of the nuns? And the Sacred

Translated by churchlatin.ai, a product of Boyne Archives

Congregation of Rites, after examining the report of the undersigned Secretary, and after a careful opinion from the Liturgical Commission, after all diligent efforts, decided that the following should be answered: To I. Affirmative, according to the decrees. To II. Affirmative. To III. Affirmative. To IV. Affirmative. To V. Affirmative, for both sides. To VI. Affirmative, by Indult. To VII. The commemoration of the Most Holy Sacrament is entirely omitted during the exposition, for a private cause (1). To VIII. Affirmative, for the first part, according to the special rubric on the Nativity of the Lord; Negative, for the second part (2). To IX. Negative. And thus it was written and granted, on November 20, 1903. S. CARD. CRETONI, Prefect of the Ritual. * S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) In private Masses, the commemoration of the Most Holy Sacrament is prohibited during the exposition for a private cause. However, during the exposition for a public cause, it is left to the judgment of the priest; for when, in Decree No. 2390, of May 7, 1746, to the 5th question: "Whether, during the exposition of the Most Holy Sacrament, the commemoration of the same Most Holy Sacrament should be made in private Masses," the Sacred Congregation responded: "The commemoration of the Most Holy Sacrament may be made during the exposition, provided it is for a public cause." (2) The special rubric for the day of the Nativity of the Lord states: "And after the 'Benedicamus Domino,' the Mass is celebrated."

[*Latin ed. p. 317*]

FROM THE SACRED RITUALS, 517. DIARY. Wednesday, the 17th day of the month of November, in the year 1903, in the Apostolic Palace at the Vatican, a General Congregation of Sacred Rites was held before the Most Holy, concerning the cause of: Aurelian. – For the beatification and canonization of the Venerable Servant of God, Joan of Arc, a virgin maiden, known as Aurelian. Concerning the doubt: "Whether it is established that she possessed the theological virtues of Faith, Hope, and Charity, in God and her neighbor, and also the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, together with their associated qualities, in a heroic degree, in the case and for the effect of which we are speaking." On Wednesday, the 24th day of the month of November, in the year 1903, a preparatory Congregation of Sacred Rites was held in the offices of the Most Eminent and Reverend Lord Cardinal Dominic Ferrata, the presiding officer, concerning the cause of: Murana, or Compsana – For the canonization of the Blessed Gerard Maiella, a lay professed member of the Congregation of the Most Holy Redeemer. Concerning the doubt: "Whether, and concerning which miracles, it is established that they occurred after the Blessed was venerated, in the case and for the effect of which we are speaking." On Wednesday, the 1st of December, in the year 1903, a regular Congregation of Sacred Rites was held in the Apostolic Palace at the Vatican, in which the Most Eminent and Reverend Cardinals below presented the following

Translated by churchlatin.ai, a product of Boyne Archives

causes: 1. Roman, or Anagnina – For the beatification and canonization of the Servant of God, Mary of Mattias, the foundress of the Sisters of the Precious Blood of Our Lord Jesus Christ. Concerning the introduction of the cause. Presented by the promoter of the cause. 2. Gratianopolitan – For the confirmation of the cult, or the declaration of exemptions, of the Servant of God, Theobald of Vienna, and of sixteen other saints named by the decrees of the late Pope Urban VIII, and also for the granting of proper offices and Masses. Presented by the Most Reverend Bishop of Gratianopolitan, together with the Chapter of the Cathedral Church.

[*Latin ed. p. 318*]

318 FROM THE SACRED CONGREGATION OF RITES, section 3. Vercelli, or the Order of Preachers – Concerning the granting and approval of a proper Office and Mass, as well as the inclusion in the martyrology, in honor of the Blessed John of Vercelli, sixth General Master of the Order of Preachers. Requested by the Most Reverend and Venerable Lords, the Archbishop of Vercelli and the Bishop of Biella, together with the Most Reverend Father General of the Order of Preachers. 4. Rome. – Concerning the approval and granting of the Feast of the Blessed Virgin Mary under the title of the Reparatrix, with a proper Mass. Requested by the Superior General of the Society of Mary the Reparatrix, in the name and by the mandate of the entire Society. 5. Rome or Abyssinia. – Concerning the beatification, or declaration of martyrdom, of the Venerable Servants of God, Acathangelo and Cassian, a professed priest of the Order of Minor Capuchins. Regarding the revision of the writings. 6. Paris. – Concerning the beatification and canonization of the Venerable Servant of God, Catherine Labouré, a girl of the Daughters of Charity. Regarding the revision of the writings. FROM THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS OF THE CITY AND THE WORLD, a decree by which Cardinals and Bishops are granted the faculty to augment and extend indulgences. The Jubilee year of the blessed Pope Leo XIII, solemnly celebrated throughout the Catholic world with great joy, provided a fitting occasion, whereby several sacred prelates, especially from the regions of Naples and Sicily, moved by letters, to consecrate this auspicious event with a new offering of piety and religious devotion, requesting that their faculty to grant indulgences be somewhat augmented by the Apostolic See. – These requests, however, were interrupted by the death of the best of Popes, but, from the Sacred Congregation for Indulgences and Sacred Relics…

[*Latin ed. p. 319*]

FROM S. CONG. INDULGENTIARUM 319, having consulted regarding relics, by the undersigned Cardinal, Prefect of the aforementioned Congregation, in an audience held on August 28th of this year, at the Vatican,

Translated by churchlatin.ai, a product of Boyne Archives

the following was again and earnestly presented. When the Most Holy Pope Pius Tenth first recognized it, he declared that nothing was more important to him than to honor the glorious memory of his predecessor in a fitting manner, and to demonstrate his paternal charity towards all ecclesiastical orders, in this matter as well. Therefore, having considered the matter, His Holiness not only approved of the aforementioned requests, but also graciously decreed that, in the future, Eminences, Cardinals, in their titles as well as in their dioceses, may grant indulgences of two hundred days; Archbishops, of one hundred days; and finally, Bishops, of fifty days, provided that all that has been observed by them up to now in the granting of such indulgences is maintained. Furthermore, this concession is intended to remain valid perpetually, notwithstanding any objections to the contrary. Given at Rome, from the Secretariat of the Holy Congregation for Indulgences and Sacred Relics, on August 28th, in the year 1903. A. CARD. TRIPEPI, Prefect. L. * S. For the Most Reverend Father Francis, Archbishop of Amid. Secretary, Joseph M. Canon Coselli, Substitute.

THE FACULTIES of numerous dioceses, both those proper to Regular Canons and those granted by special indult, are exercised by others, even in that part of the same city or locality where no monastery exists. Although it rarely happened in former times that a single city belonged to two different dioceses, or vicariates, or apostolic prefectures, today this is nevertheless the case; an example is the city of London, which is divided into two dioceses, namely Westminster and Southwark. This is the reason why some doubt whether the faculties, which are proper to Regular Canons and whose exercise is not granted to others, except for those places where a monastery does not exist, are applicable in such circumstances.

[*Latin ed. p. 320*]

320 FROM THE DECREE ON INDULGENCES: A certain congregation does not exist; those to whom a special indulgence has been granted may exercise it in that part of the state, that is, in that diocese, in which no congregation of Regulars exists, even though there is one in another part of the state, that is, in another diocese. This reason for doubt was primarily increased by the Decree of this Sacred Congregation concerning Indulgences and Sacred Relics, dated December 14, 1857, in Tournay, in which the following question was proposed: "Is it to be understood, in the case of places in which the Order of the Friars Minor Observant of Saint Francis of Assisi does not exist, that 'place' means a city, town, or district, with its respective suburbs, or in places adjacent to them?" To which the answer was: "Affirmatively." Furthermore, this Sacred Congregation, considering the novelty of the case, in order to remove all possibility of ambiguity and to establish a certain rule of action for the future, proposed the following question to be resolved: "In cities, and generally in places, in which two dioceses, or vicariates apostolic, etc., are established, may those privileges,

Translated by churchlatin.ai, a product of Boyne Archives

which are proper to certain Orders, and which have been granted by special indulgence with the clause: 'provided that no congregation of said Orders is found in that place,' be exercised in that part of the city or place in which no congregation of said Orders is present, while one is present in another part?" And the Most Reverend Fathers, in a general Congregation held in the Vatican Palace on August 18, 1903, were ordered to respond to the proposed question: "Affirmatively." After the report was completed, it was presented to His Holiness Pope Pius X in an audience held on the 28th of the same month and year by the undersigned Cardinal Prefect; His Holiness approved and confirmed the resolution of the Most Reverend Fathers. Given in Rome from the Secretariat of the same Sacred Congregation on August 28, 1903. A. Card. TRIPEPI, Prefect. In place of the Seal. For the Reverend Father D. Francis Sogaro, Archbishop of Amid, Secretary. Joseph M. Can. Coselli, Substitute.

[*Latin ed. p. 321*]

321 ACTS OF THE ROMAN PONTIFF: ADDRESS ON THE FEAST DAY, given by Pope Pius X to the Sacred College of Cardinals on December 23, 1903 (I). With a joyful heart, Your Eminence, we accept the greetings which you have presented to us, also on behalf of the Sacred College, and with gratitude, we receive the sentiments of devotion and love, of which you have been the interpreter for all, with the hope that the restoration in Jesus Christ, through the intercession of the Immaculate, may be a sign of less troubled times for the Church. We are also very pleased that you have mentioned this topic, because the mystery of Bethlehem, which we are about to commemorate, offers the most undeniable proofs of the true Savior; a Savior today, as nineteen centuries ago, a Savior here, as in Bethlehem, a unique, eternal, universal Savior, who has renewed the face of the earth.

(1) On December 23, 1903, the Sacred College of Cardinals, with the greatest joy, made the following nominations for the feast of the Nativity of Our Lord and for the coming year. His Eminence and Most Reverend Cardinal Oreglia of St. Stephen, Dean of the Sacred College, delivered the following address:

"Most Blessed Father,

"The Sacred College, grateful to the Lord who guided it in the election of Your Most August Person to the supreme governance of the Church, offers to Your Holiness, for this auspicious feast of the Holy Nativity, the tribute of its homage and its greetings.

"And since, O Holy Father, you have already made known to the Catholic world the principal intention to which you wish to dedicate your work, namely, the restoration of all things in Christ, it is natural that our prayers should be especially directed towards the attainment of such a noble and holy purpose.

Translated by churchlatin.ai, a product of Boyne Archives

"Nor will our hopes fail; for, although we see that the enemy of Christ and of his Church is constantly increasing the violent means and the subtle arts to surprise and harm us, we are nevertheless certain that he will never prevail.

"All the more does our confidence grow, because we entrust our prayers to the powerful protection of She who, always ready to help and assist us, will certainly, in this year, entirely consecrated to celebrating the fiftieth anniversary of the dogmatic definition of the Immaculate Conception, protect us in every danger, and demonstrate that She is always the Queen of Victories.

"With these sentiments, the Sacred College implores an Apostolic Blessing from Your Holiness."

To which the Supreme Pontiff responded with the following address. Acts, Vol. XXXVI, page CDXXVI, 21.

[*Latin ed. p. 322*]

322 The Nativity restores all relationships, both individual and social, with God and with men. Indeed, the stable of Bethlehem presents us with the perfect Man, who, uniting the divine and human nature in one person, restores to this nature the best part of its privileges, lost through sin, and thus brings about the fullness of its advantages, so that we have no other means of being men, both in the spiritual and social order, than to approach the perfect Man, to the full measure of the life of Christ: *donec occurramus in virum perfectum, in mensuram aetatis plenitudinis Christi*. And therefore, all of Christian and social life must be a continuous striving to attain the beauty of Christ, so that we may thus recover our dignity and restore to the world, with our original endowments, the harmony, concord, and peace of Paradise. Therefore, the stable of Bethlehem is a school, from which the Divine Redeemer begins his ministry, not with words, but with deeds, teaching that the only means of rehabilitation is sacrifice in poverty and suffering. — Vain are pompous theories, clamorous assemblies, and the discussion of burning issues. To restore all things in Christ, without the intervention of science, without the aid of wealth, and without the interference of politics, this lesson is sufficient; and if society were to follow this path, it would be happy in universal contentment and tranquility. The stable of Bethlehem is a school, where, if we see a pagan Caesar become an unwitting instrument of divine Providence and wonderfully contribute to the foundation of the Church, no one can doubt that God will help her to defend and preserve herself. — Certainly, the evils that afflict her at present are many and grievous, her enemies (masked or open) are numerous and powerful; the means they have to harm her are formidable; but we must not despair, for in the divine promises we have the certainty that God will always achieve his intended purpose, using even the very evil, as Augustine says, produced by our free will, for the triumph of good. The stable

Translated by churchlatin.ai, a product of Boyne Archives

of Bethlehem is a school, in which it is taught that to restore all things in Christ, we must not set a time or a manner for the Divine Wisdom to come to our aid. For forty centuries, Israel awaited the fulfillment of the promise made in Paradise, and therefore, we...

[*Latin ed. p. 323*]

ALLOCUTION ON THE BIRTH OF CHRIST 323: We must imitate not only the faith of the ancient Patriarchs, but especially that of Mary and Joseph, who, even though they knew that the Son of God was about to be born into the world, that Bethlehem, from which they were so far away, was to be his cradle, awaited the dispositions of Heaven calmly, without anxieties or fears.

Certainly, it grieves us to see the Church of Jesus Christ persecuted and fiercely attacked in her authority, in her doctrines, and in her providential mission in the world, and therefore, civil society is troubled by internal discord; but when we consider that we find ourselves in the valley of tears, in a time of trial, that the Church here on earth is militant, and that God Himself sends or permits these tribulations, it should be easy for us to imitate Mary and Joseph, who, after their peaceful waiting, certain of fulfilling the divine will, leave their little house, undertake with unspeakable hardships a long journey, and patiently endure the refusal of the inhabitants of Bethlehem, who denied them a hospitable lodging.

The stable of Bethlehem is a school. How fortunate that family would have been that had sheltered the poor couple in that night! How many blessings would have descended upon it! But there was no place for them: *Non erat eis locus in diversorio* (There was no place for them in the inn); and Jesus came to his own, and his own received him not: *In propria venit et sui eum non receperunt*.

Poor peoples and poor nations, who not only do not welcome Jesus and his Church, but, far worse than the inhabitants of Bethlehem, hinder her in her work, persecute her, slander her, and, with unforgivable blindness, because they see reserved for themselves the fate of the miserable Bethlehem.

Finally, the stable of Bethlehem is a school, in which, if the fulfillment of the divine promises is not revealed to the wise and prudent of this age, but only to the simple, that is, to the humble shepherds, it is not because Jesus wished to prefer one condition to another. The society of men is the work of God; God Himself willed the diversity of conditions, and Jesus did not come to change this order by calling only the poor, but was born for all. Indeed, to demonstrate this character of universality, He wished to be born in a public place, the access to which could not be denied to anyone; He wished to descend from royal blood, so that the princes would not despise Him; He wished to be born poor, so that everyone, without

Translated by churchlatin.ai, a product of Boyne Archives

distinction, might be able to.

[*Latin ed. p. 324*]

324 ADDRESS ON THE NATIVITY: To come to him, and to become all things to all men, that no one might fear to approach him, he appeared as a child. The Angel did not announce the joyful news to the citizens of Bethlehem, not only because they had rendered themselves unworthy by refusing to shelter Mary and Joseph, but because, far from going to the cave, they would not have heeded the announcement, as those of Jerusalem later did upon the arrival of the Magi. — And this is what happens even now when the Angels of the Church speak, and many among the baptized, through the corruption of the heart, which obscures the mind, not only ridicule and mock them, but deny the most evident facts, the most manifest truths, and the most sacred rights, boasting that they believe nothing. — Just as there were then men of proud mind and corrupt heart, who, although entrusted with the divine promises, and living near the temple, boasted of being part of the chosen people, would not have believed the announcement of the Angel. Indeed, even then, when Jesus restored sight to the blind, speech to the mute, and raised the dead, they did not yield to the truth; but after having received countless benefits, they crucified him; a sorrowful history that is repeated so often. If many, therefore, although they celebrate, as is customary even among worldly people, this feast with extraordinary joy and with mutual greetings, do not take advantage of the lessons that the mystery of Bethlehem offers us to restore all things in Christ, let us all, Venerable Brothers, offer our prayers at the cradle of the heavenly Child, that he may intervene with his grace and that all may benefit from it for their salvation. — As for us, confident in God, certain of the efficacious and loving cooperation of the Holy College, comforted by the prayers of the whole world, we ask for nothing but the grace to quietly accept all the dispositions of Providence; and expressing to the Holy College with open hearts our sincere wishes for its prosperity, as a pledge of our particular affection, we impart to them, to the Lords Cardinals, and to all others present, the Apostolic Blessing.

PIUS PP. X.

[*Latin ed. p. 325*]

325 LETTER TO HIS HOLINESS POPE PIUS X ADDRESSED TO MR. CARDINAL RESPIGHI, VICAR GENERAL OF ROME, CONCERNING THE RESTORATION OF SACRED MUSIC.

To the Most Reverend Cardinal Respighi, Vicar General of Rome, regarding the restoration of sacred music.

Most Reverend Cardinal,

Translated by churchlatin.ai, a product of Boyne Archives

The desire to see the decorum, dignity, and sanctity of liturgical functions flourish in every place has led Us to make known, through a special document, Our will concerning sacred music, which is so widely employed in the service of the liturgy. We trust that all will assist Us in this desired restoration, not only with that blind obedience, which is always praiseworthy, whereby commands, even those burdensome and contrary to one's own way of thinking and feeling, are accepted purely out of obedience, but also with that promptness of will, which arises from the firm conviction that it is necessary to act in this way for reasons duly learned, clear, evident, and irrefutable.

For indeed, if one but reflects on the most holy purpose for which art is admitted to the service of the liturgy, and on the utmost propriety of offering to the Lord nothing less than that which is good in itself, and, if possible, excellent, one will immediately recognize that the prescriptions of the Church regarding sacred music are nothing more than the immediate application of those two fundamental principles.

When the clergy and the chapel masters are imbued with these principles, good sacred music will spontaneously flourish, as has been observed and is constantly observed in a great number of places; but when these principles are neglected, neither prayers, nor admonitions, nor severe and repeated orders, nor threats of canonical penalties, will suffice to bring about any change; for passion, and if not passion, a shameful and inexcusable ignorance, will find ways to evade the will of the Church and to continue for years and years in the same blameworthy state of affairs.

We particularly promise this promptness of will from the clergy and the faithful of this Our beloved City of Rome, center of Christianity and seat of the supreme Au-

[*Latin ed. p. 326*]

The provided text does not contain any quotation of Leviticus 25:29. Therefore, no changes are required.

326 LETTER TO THE AUTHORITIES OF THE CHURCH. It seems, indeed, that no one should feel the influence of Our words more keenly than those who hear them directly from Our own mouth, and that the example of loving and filial submission to Our paternal invitations should be given by no one with greater diligence than by the first and most noble portion of the flock of Christ, which is the Church of Rome, especially entrusted to Our pastoral care as Bishop. It should be added that this example must be given before the whole world. From every part come continuously bishops and faithful, to venerate the Vicar of Christ, and to refresh their spirits, by visiting Our venerable basilicas and the tombs of the Martyrs, and by attending with redoubled fervor the solemnities which are celebrated here throughout the year with every pomp and splendor. "We hope that they may not return to their homelands scandalized by our customs," said Our

Translated by churchlatin.ai, a product of Boyne Archives

predecessor, Benedict XIV, in his encyclical letter "Annus qui," speaking precisely of sacred music: we desire that they may not return to their homelands scandalized by our customs. And touching upon the abuse of instruments, which was then prevalent, the same Pontiff said: "What impression will be formed of us, if, coming from countries where instruments are not used in church, they hear them in our churches, no more nor less than what is customary in theaters and other profane places?" They will also come from places and countries where singing and music are performed, as is now done in our churches. But if they are men of good sense, they will be dismay of find in our music that remedy for the evils of their churches which they had come seeking." In past times, in the music usually performed in church, its divergence from the laws and prescriptions of the Church was perhaps less noticeable, and the scandal was perhaps more limited, precisely because the inconvenience was more widespread and more general. But now, since so much effort has been put forth by excellent men to illustrate the reasons of the liturgy and of art for the service of worship, since in so many churches throughout the world consoling and, not infrequently, splendid results have been achieved in the restoration of sacred music, despite the very serious difficulties that were encountered and successfully overcome, since, finally, the necessity of a complete change of things has entered universally into the minds of men, every abuse in this area becomes intolerable and must be removed.

[*Latin ed. p. 327*]

EPIS TOLA 527. Therefore, Your Eminence, in your exalted office as Our Vicar in Rome for spiritual matters, with the gentleness that is characteristic of you, but with no less firmness, we are certain that you will strive to ensure that the music performed in the churches and chapels, both of the secular and regular clergy of this city, fully conforms to Our instructions. Many things must be either removed or corrected in the chants of the Masses, the Lauretan litanies, and the Eucharistic hymns; but what requires a complete renewal is the chanting of Vespers during the feasts celebrated in the various churches and basilicas. The liturgical prescriptions of the *Caeremoniale Episcoporum* and the beautiful musical traditions of the classical Roman school are no longer found there. The devout chanting of the clergy, to which the people also participated, has been replaced by interminable musical compositions based on the words of the Psalms, all fashioned in the manner of old theatrical works, and mostly of such meager artistic value that they would not be tolerated even in the most insignificant secular concerts. Christian devotion and piety are certainly not promoted by them; rather, they satisfy the curiosity of some less intelligent individuals, but the majority are disgusted and scandalized by them, and they wonder that such an abuse still persists. Therefore, we desire that it be completely eliminated, and that the solemnity of Vespers be celebrated throughout

Translated by churchlatin.ai, a product of Boyne Archives

according to the liturgical norms that We have indicated. The patriarchal basilicas will lead by example, due to the diligent care and enlightened zeal of the Cardinals to whom they are entrusted, and they will be followed by the smaller basilicas, collegiate and parish churches, as well as the churches and chapels of the religious orders. And you, Your Eminence, must not show leniency, nor grant any delays. By delaying, the difficulty does not diminish, but rather increases, and since the pruning must be done, it must be done immediately and decisively. Let all have confidence in Us and in Our word, to which is joined the grace and heavenly blessing. At first, the change will perhaps cause some wonder; perhaps some of the chapel masters and choir directors will find themselves somewhat unprepared; but little by little, the matter will correct itself, and everyone will recognize in the perfect conformity of the music to the liturgical norms and the nature of chanting a beauty and goodness that may not have been perceived before. Indeed, the solemnity of Vespers will be notably shortened. But if the rectors...

[*Latin ed. p. 328*]

328. The pastors of parishes will sometimes wish to prolong the liturgical services, in order to retain the people, who so commendably attend church in the evening hours when the feast is celebrated. Nothing forbids this, and it will be very beneficial for the piety and edification of the faithful, if a suitable sermon follows the Vespers, and if the service concludes with a solemn blessing of the Most Holy Sacrament.

Furthermore, we desire that sacred music be cultivated with special care and diligence in all seminaries and ecclesiastical colleges in Rome, where such a numerous and select group of young clerics from all parts of the world are being educated in sacred sciences and in the true spirit of the Church. We know, and this greatly comforts us, that in many institutions, sacred music flourishes, and that they may serve as a model for others. But in some seminaries and colleges, whether due to the negligence of the superiors, or to the lack of ability and good taste of those to whom the instruction in singing and the direction of sacred music are entrusted, much is left to be desired. Your Eminence, you will, with due diligence, take measures to address this as well, insisting especially that the Gregorian chant, according to the prescriptions of the Council of Trent and of countless other provincial and diocesan councils throughout the world, be studied with special diligence and, as a rule, preferred in public and private liturgical services of the institution.

In times past, indeed, the Gregorian chant was known by most only from incorrect, altered, and shortened books. But the careful and diligent study of it, undertaken by eminent and highly meritorious men of the sacred art, has transformed the situation. The Gregorian chant, restored in such a satisfactory manner to its original purity, as it was transmitted to us by the

Translated by churchlatin.ai, a product of Boyne Archives

Fathers and as it is found in the codices of the various Churches, appears sweet, melodious, very easy to learn, and of such a new and unexpected beauty, that wherever it is introduced, it quickly excites true enthusiasm in the young singers. Now, when pleasure enters into the fulfillment of duty, everything is accomplished with greater alacrity and with more lasting fruit. Therefore, we desire that the ancient Roman chant be reintroduced in all the colleges and seminaries of this beloved City, a chant that once resounded in our churches and basilicas, and that formed the delight of past generations in the finest times of Christian piety. And just as...

[*Latin ed. p. 329*]

MOTU PROPRIO 329. In the Church of Rome, that chant had spread to other churches in the West, and therefore, we earnestly desire that young clerics, instructed under our eyes, may bring it and spread it anew in their respective dioceses when they return there as priests to work for the glory of God. We rejoice in giving these instructions as we are about to celebrate the XIII centenary of the death of the glorious and incomparable Pontiff, Saint Gregory the Great, to whom a tradition of many centuries has attributed the composition of these holy melodies, and from whom the same melodies have derived their name. Let our most beloved young men diligently practice them; it will be pleasing to us to hear them, if, as we are informed, they will gather together during the upcoming centennial celebrations near the tomb of the Holy Pontiff in the Vatican Basilica, in order to perform the Gregorian melodies during the sacred Liturgy, which, God willing, will be celebrated by us on this auspicious occasion. In the meantime, as a pledge of our particular benevolence, receive, Most Reverend Cardinal, the Apostolic Blessing, which we impart from the depths of our heart to you, to the clergy, and to all our most beloved people. From the Vatican, on the feast of the Immaculate Conception, in the year 1903. PIUS PP. X. MOTU PROPRIO, Most Holy Pope Pius X, concerning the restoration of sacred music (I). PIUS PP. X. Among the solicitudes of the pastoral office, not only of this Supreme Chair, which, although unworthy, we occupy by inscrutable disposition of Providence, but of every particular Church, undoubtedly the most important is that of maintaining and promoting the decorum of the House of God, where the august mysteries of religion are celebrated, and where the people... (1) This Instruction on Sacred Music, although written by the Roman Pontiff in the Italian language, pertains to the entire Catholic world; and therefore, wishing to be useful to all our readers, we will provide its Latin version, which will be the most faithful, in the next fascicle.

[*Latin ed. p. 330*]

330. BY A PAPAL ACT, let them gather together, in order to receive the grace of the Sacraments, to assist at the Holy Sacrifice of the Altar, to adore

Translated by churchlatin.ai, a product of Boyne Archives

the most august Sacrament of the Body of the Lord, and to join in the common prayer of the Church in the public and solemn liturgical service. Therefore, nothing ought to occur in the temple that might disturb or even diminish the piety and devotion of the faithful, nothing that might give reasonable cause for disgust or scandal, and especially nothing that directly offends the decorum and sanctity of the sacred functions, and which is unworthy of the House of Prayer and the majesty of God. We shall touch briefly upon the abuses that may occur in this matter. Today, Our attention is directed to one of the most common, the most difficult to eradicate, and which is sometimes deplored even there where everything else is worthy of the highest praise for the beauty and splendor of the temple, for the brilliance and the careful order of the ceremonies, for the frequency of the clergy, for the gravity and piety of the ministers who celebrate. This is the abuse in matters of singing and sacred music. Indeed, both because of the nature of this art itself, which is fluctuating and variable, and because of the subsequent alteration of taste and habits over time, and because of the disastrous influence that profane and theatrical art exerts on sacred art, and because of the pleasure that music directly produces, which is not always easily contained within proper limits, and finally because of the many prejudices that creep into this matter and are then tenaciously maintained even among authoritative and pious people, there is a constant tendency to deviate from the correct norm established by the purpose for which art is admitted to the service of worship, and which is expressed very clearly in the ecclesiastical canons, in the decrees of general and provincial councils, and in the prescriptions repeatedly issued by the Holy Roman Congregations and by Our Predecessor Popes. With true satisfaction of Our soul, We are pleased to acknowledge the great good that has been accomplished in this area in recent decades, even in this Our beloved City of Rome and in many churches of Our homeland, but in a particularly striking way in some nations, where excellent and zealous men devoted to the worship of God, with the approval of this Holy See and under the direction of the Bishops, have united themselves in flourishing Societies and have restored sacred music to its full honor in almost every church.

[*Latin ed. p. 331*]

BY A PAPAL ACT 531 and chapel. This good thing, however, is still far from being common to all, and if we consider our own personal experience and take into account the many complaints that have reached Us from every quarter in this short time, since it pleased the Lord to raise our humble person to the highest summit of the Roman Pontificate, we believe it is our first duty to immediately raise our voice in reprobation and condemnation of everything that is recognized in the functions of worship and in ecclesiastical ministry as being contrary to the correct norm indicated. For it is our most fervent desire that the true Christian spirit may flourish in every way

Translated by churchlatin.ai, a product of Boyne Archives

and be maintained in all the faithful; it is therefore necessary, above all else, to provide for the sanctity and dignity of the temple, where the faithful gather to draw that spirit from its first and indispensable source, which is active participation in the most sacred mysteries and in the public and solemn prayer of the Church. And it is vain to hope that copious blessings from Heaven will descend upon us for this purpose, when our obedience to the Most High, instead of ascending in a pleasing fragrance, instead returns to the Lord the scourges, with which the Divine Redeemer once again drove the unworthy profaners from the temple. Therefore, so that no one may henceforth excuse themselves by claiming not to clearly know their duty, and so that all ambiguity may be removed in the interpretation of certain things already commanded, we have deemed it expedient to briefly point out those principles that govern sacred music in the functions of worship, and to gather together in a general framework the principal prescriptions of the Church against the most common abuses in this matter. And therefore, by papal act and with full knowledge, we publish this Instruction, which, as a legal code of sacred music, we wish to be given the force of law by the fullness of our Apostolic Authority, imposing its most scrupulous observance on all by this present Papal Bull.

[*Latin ed. p. 332*]

332. MOTU PROPRIO: INSTRUCTION ON SACRED MUSIC. I. GENERAL PRINCIPLES. 1. Sacred music, as an integral part of the solemn liturgy, shares its general purpose, which is the glory of God and the sanctification and edification of the faithful. It contributes to increasing the decorum and splendor of ecclesiastical ceremonies, and since its principal function is to clothe the liturgical text, which is presented to the understanding of the faithful, with fitting melody, its own proper purpose is to add greater efficacy to the text itself, so that the faithful, by this means, may be more easily aroused to devotion and better disposed to receive within themselves the fruits of grace, which are proper to the celebration of the sacred mysteries. 2. Sacred music must, therefore, possess, to the highest degree, the qualities that are proper to the liturgy, namely, holiness and the goodness of forms, from which spontaneously arises its other characteristic, which is universality. It must be holy, and therefore exclude every impurity, not only in itself, but also in the manner in which it is presented by those who perform it. It must be true art, for it is impossible otherwise that it should have upon the soul of the listener that efficacy which the Church intends to obtain by incorporating the art of sounds into its liturgy. But it must also be universal in this sense, that while allowing each nation to admit into ecclesiastical compositions those particular forms which in a certain way constitute the specific character of its own music, these forms must nevertheless be so subordinate to the general characteristics of sacred music that no one of another nation, upon hearing them, should experience

Translated by churchlatin.ai, a product of Boyne Archives

a negative impression. II. GENRES OF SACRED MUSIC. 3. These qualities are found in the highest degree in Gregorian chant, which is therefore the proper chant of the Church of Rome, the only chant which it has inherited from the ancient Fathers.

[*Latin ed. p. 333*]

MOTU PROPRIO 333, which has jealously guarded throughout the centuries in its liturgical codes, which it directly proposes to the faithful, which in certain parts of the liturgy exclusively prescribes, and which the most recent studies have happily restored to its integrity and purity. For these reasons, Gregorian chant has always been considered the supreme model of sacred music, and it can be established with every reason that the following general rule: the more a composition for the church resembles Gregorian melody in its rhythm, inspiration, and character, the more sacred and liturgical it is; and the less worthy it is of the temple, the more it is recognized as differing from that supreme model. Therefore, the ancient, traditional Gregorian chant must be widely restored in the functions of worship, and it must be firmly held by all that a liturgical function loses nothing of its solemnity, even if it is accompanied by no music other than this alone. In particular, efforts should be made to restore Gregorian chant in the use of the people, so that the faithful may once again take a more active part in the ecclesiastical liturgy, as was formerly the custom.

4. The aforementioned qualities are also possessed in an excellent degree by classical polyphony, especially that of the Roman School, which in the 16th century reached its highest perfection through the work of Pierluigi da Palestrina, and which continued to produce compositions of excellent liturgical and musical quality even afterwards. Classical polyphony is very well suited to the supreme model of all sacred music, which is Gregorian chant, and for this reason it deserves to be received, together with Gregorian chant, in the most solemn functions of the Church, such as those of the Papal Chapel. Therefore, it too must be widely restored in ecclesiastical functions, especially in the most important basilicas, in cathedrals, in those of seminaries, and in other ecclesiastical institutions, where the necessary means are usually not lacking.

5. The Church has always recognized and fostered the progress of the arts, admitting to the service of worship all that genius has been able to find of good and beautiful throughout the centuries, provided always that the liturgical laws are observed. Consequently, even more modern music is also admitted in church, offering also...

[*Latin ed. p. 334*]

534 BY A PAPAL ACT, certain compositions of such goodness, seriousness, and gravity, that they are not entirely unworthy of liturgical functions. Nevertheless, since modern music has arisen primarily for profane pur-

Translated by churchlatin.ai, a product of Boyne Archives

poses, greater care must be taken to ensure that musical compositions of a modern style, which are admitted into the church, contain nothing profane, have no reminiscences of motifs used in the theater, and are not even in their external forms fashioned according to the manner of profane pieces. 6. Among the various genres of modern music, that which appeared least suited to accompany the functions of worship is the theatrical style, which was very popular during the last century, especially in Italia. By its very nature, it presents the greatest opposition to Gregorian chant and classical polyphony, and therefore to the most important law of all good sacred music. Furthermore, the intimate structure, rhythm, and so-called "conception" of this style do not lend themselves, if at all, to the requirements of true liturgical music. III. LITURGICAL TEXT. 7. The proper language of the Church of Romana is Latin. Therefore, it is forbidden in the solemn liturgical functions to sing anything in the vernacular; all the more so to sing in the vernacular the variable or common parts of the Mass and the Office. 8. Since for each liturgical function, the texts that may be set to music and the order in which they must be presented are determined, it is not permissible to confuse this order, nor to change the prescribed texts for others of one's own choosing, nor to omit them entirely, or even only in part, unless the liturgical rubrics allow the organ to supplement certain verses of the text, while these are simply recited by the choir. Only, according to the custom of the Church of Romana, is it permitted to sing a motet at the Holy Sacrament after the Benedictus of the solemn Mass. It is also permitted that after the prescribed Offertory of the Mass has been sung, a brief motet with words approved by the Church may be performed during the remaining time. 9. The liturgical text must be sung as it stands in the books, without alteration or transposition of words, without undue repetitions.

[*Latin ed. p. 335*]

MOTU PROPRIO 535 recitations, without breaking the syllables, and always in a way that is intelligible to the faithful who are listening. IV. EXTERNAL FORM OF THE SACRED COMPOSITIONS.

10. The individual parts of the Mass or the Office must also, musically, preserve that concept and form which the ecclesiastical tradition has given them, and which is very well expressed in Gregorian chant. Therefore, the manner of composing an Introit, a Gradual, an Antiphon, a Psalm, a Hymn, a *Gloria in excelsis*, etc., is different.

11. In particular, the following rules should be observed:

a) The *Kyrie*, *Gloria*, *Credo*, etc., of the Mass must maintain the unity of composition proper to their text. Therefore, it is not permissible to compose them in separate pieces, so that each of these pieces forms a complete musical composition and can be detached from the rest and replaced with another.

b) In the Office of Vespers, the rule of the *Caeremoniale Episcoporum*

Translated by churchlatin.ai, a product of Boyne Archives

should ordinarily be followed, which prescribes Gregorian chant for the psalmody and allows figured music for the versicles of the *Gloria Patri* and for the hymn. Nevertheless, it will be permissible, on the greater solemnities, to alternate the Gregorian chant of the choir with what are called *falsibordoni* or with verses composed in a similar manner. It may also be granted at times that the individual Psalms be presented entirely in music, provided that in such compositions the proper form of psalmody is preserved; that is, provided that the singers seem to be chanting to each other, either with new motifs, or with those taken from Gregorian chant, or according to this imitated. Therefore, the so-called concert Psalms remain forever excluded and prohibited.

c) In the hymns of the Church, the traditional form of the hymn must be preserved. Therefore, it is not permissible, for example, to compose the *Tantum ergo* in such a way that the first verse presents a romance, a *cavatina*, an *adagio*, and the *Genitori* a lively piece.

d) The antiphons of Vespers should ordinarily be presented with their own proper Gregorian melody. However, if, in some particular case, they are sung in music, they must not...

[*Latin ed. p. 336*]

336 A MOTU PROPRIO, it should never have either the form of a concert melody nor the extent of a motet and a cantata. See CANTORS. 12. Except for the melodies proper to the celebrant at the altar and the ministers, which must always be in plain Gregorian chant without any organ accompaniment, the remainder of the liturgical chant belongs to the choir of clerics; and therefore, the church cantors, even if they are laymen, properly perform the duties of the ecclesiastical choir. Consequently, the music they present must, at least in its greatest part, retain the character of choral music. This does not mean that solo voices are entirely excluded. But this must never predominate in the liturgy, so that the majority of the liturgical text is performed in this manner; rather, it must have the character of a simple melodic suggestion and be closely linked to the rest of the choral composition. 13. From the same principle, it follows that the cantors have a true liturgical office in the church, and that therefore, women, being incapable of such an office, cannot be admitted to be part of the choir or the musical chapel. If, therefore, the high voices of sopranos and contraltos are to be used, these must be supported by boys, according to the most ancient custom of the Church. 14. Finally, only men of known piety and probity of life are admitted to be part of the church chapel, who, with their modest and devout demeanor during liturgical functions, show themselves worthy of the holy office they exercise. It will also be fitting that the cantors, while singing in church, wear the clerical attire and the cassock, and if they are in choir lofts too exposed to the eyes of the public, they should be protected by grates. VI. ORGAN AND INSTRUMENTS. 15. Although

Translated by churchlatin.ai, a product of Boyne Archives

the music proper to the Church is purely vocal music, nevertheless, music with organ accompaniment is also permitted. In some particular cases,

[*Latin ed. p. 337*]

MOTU PROPRIO 337, within the prescribed limits and with due consideration, other instruments may also be permitted, but never without a special license from the Ordinary, in accordance with the prescription of the *Caeremoniale Episcoporum*.

16. Since singing must always take precedence, the organ or other instruments must simply support it and never suppress it.

17. It is not permitted to precede the singing with long preludes or to interrupt it with intervening pieces.

18. The sound of the organ in the accompaniments of the singing, in preludes, interludes, and the like, must not only be conducted according to its own nature as such an instrument, but must also possess all the qualities that true sacred music has, and which have been previously enumerated.

19. The use of the piano is prohibited in church, as is the use of noisy or frivolous instruments, such as the drum, the bass drum, cymbals, bells, and the like.

20. It is strictly prohibited for so-called musical bands to play in church; and only in some special cases, with the consent of the Ordinary, will it be permitted to admit a limited, judicious, and proportionate selection of wind instruments, provided that the composition and accompaniment to be performed are written in a solemn, appropriate style, and are in all respects similar to that of the organ.

21. In processions outside of church, the musical band may be permitted by the Ordinary, provided that no secular pieces are performed in any way. It would be desirable on such occasions that the musical performance be limited to accompanying some spiritual hymns in Latin or the vernacular, proposed by the singers or pious Congregations that participate in the procession.

VII. EXTENT OF LITURGICAL MUSIC.

22. It is not permissible, for the sake of singing or music, to cause the priest at the altar to wait longer than what is required by the liturgical ceremony. According to ecclesiastical prescriptions, the *Sanctus* of the Mass must be completed before the elevation, and therefore, even at this point, the celebrant must take into account *Acta*, Tom. XXXVI. phase. CDXXVI. 22.

[*Latin ed. p. 338*]

338. MOTU PROPRIO to the singers. The Gloria and the Creed, according to the Gregorian tradition, must be relatively brief.

Translated by churchlatin.ai, a product of Boyne Archives

23. In general, it is to be condemned as a most grievous abuse that in ecclesiastical functions, the liturgy should appear secondary and almost subservient to the music, while music is simply a part of the liturgy and its humble servant.

VIII. PRINCIPAL MEANS.

24. For the correct execution of what is established here, the Bishops, if they have not already done so, should establish in their dioceses a special Commission of truly competent individuals in matters of sacred music, to whom, in the manner they deem most appropriate, the task should be entrusted of overseeing the music being performed in their churches. Nor should they consider only that the music itself is good, but also that it is suitable for the voices of the singers and is always performed well.

25. In the seminaries of the clergy and in ecclesiastical institutions, according to the Tridentine prescriptions, the aforementioned traditional Gregorian chant should be cultivated diligently and with love by all, and the superiors should be generous in encouragement and praise to their young subjects in this regard. Similarly, wherever possible, the establishment of a Schola Cantorum should be promoted among the clergy for the performance of sacred polyphony and good liturgical music.

26. In the ordinary lessons of liturgy, moral theology, and canon law given to theology students, care should be taken to address those points that particularly concern the principles and laws of sacred music, and to complete the instruction with some particular teaching regarding the aesthetics of sacred art, so that the clergy do not leave the seminary lacking in all these notions, which are necessary for a complete ecclesiastical education.

27. Care should be taken to restore, at least in the principal churches, the ancient Scholae Cantorum, as has already been practiced with excellent results in a good number of places. It is not difficult for zealous clergy to establish such Scholae even in smaller and rural churches, and indeed, they find in them a very effective means.

[*Latin ed. p. 339*]

BY A SPECIAL DECREE 339, "it is desirable to gather around oneself children and adults, for their own benefit and for the edification of the people. 28. Efforts should be made to support and promote in every possible way the higher schools of sacred music where they already exist, and to contribute to their founding where they do not yet exist. It is most important that the Church itself provide for the instruction of its masters, organists, and singers, according to the true principles of sacred art. IX. CONCLUSION. 29. Finally, it is recommended to the masters of chapel, to the singers, to the members of the clergy, to the superiors of seminaries, of ecclesiastical

Translated by churchlatin.ai, a product of Boyne Archives

institutes, and of religious communities, to the parish priests and rectors of churches, to the canons of colleges and cathedrals, and especially to the diocesan Ordinaries, to favor these wise reforms with all zeal, which have long been desired and unanimously invoked, so that the very authority of the Church, which repeatedly proposed them and now again instills them, may not fall into disrepute. Given from Our Apostolic Palace at the Vatican, on the day of the Virgin and Martyr St. Cecily, November 22, 1903, in the first year of Our Pontificate. PIUS PP. X. "%$5 BY A SPECIAL DECREE whereby the Most Holy Pope Pius X lays down the fundamental norms of Christian popular action. PIUS PP. X. From the very beginning of Our first Encyclical to the Episcopate of the World, echoing what Our glorious Predecessors had established concerning the Catholic action of the Laity, We declared this undertaking most praiseworthy, and also necessary in the present conditions of the Church and of civil society (1). And We..."

(1) Cf. Prima Encyclica Pii PP. X, E supremi Apostolatus cathedra, die 4 Octobris 1903, in hoc ipso volumine relatam pag. 129: praesertim vero vide pag. 138.

[*Latin ed. p. 340*]

540 BY A PAPAL ACT, we cannot sufficiently praise the zeal of so many illustrious individuals, who for a long time have devoted themselves to this noble endeavor, and the fervor of so many chosen young people, who eagerly hasten to contribute their efforts to it. The Nineteenth Catholic Congress, recently held in Bologna and promoted and encouraged by Us (1), has sufficiently demonstrated to all the vigor of the Catholic forces, and what can be achieved of benefit and salvation among the believing populations, where this action is well-ordered and disciplined, and where unity of thought, of affections, and of works prevails among those who participate in it. However, it causes Us no small regret that some disagreements, arising among them, have provoked polemics that are, alas, too lively, which, if not suppressed appropriately, could divide these very forces and render them less effective. We, who above all recommended union and concord of minds before the Congress, so that what pertains to the practical norms of Catholic action might be established by common agreement, cannot now remain silent. And since disagreements of opinion in the practical field very easily lead to the theoretical, and indeed, in this they must necessarily have their focus, it is necessary to strengthen the principles, so that all Catholic action may be informed by them. Pope Leo XIII of blessed memory, Our illustrious Predecessor, clearly outlined the norms of Christian popular action in the illustrious Encyclicals *Quod Apostolici muneris* of December 28, 1878 (2), *Rerum novarum* of May 15, 1891 (3), and *Graves de communi* of January 18, 1901 (4); and also in the Instruction issued through the Sacred Congregation of Extraordinary Affairs, on January 27, 1902 (5). And We, who, no less than Our Predecessor, see the great need

Translated by churchlatin.ai, a product of Boyne Archives

that Christian popular action be properly moderated and conducted, desire that those most prudent norms be observed exactly and fully; and that therefore, no one should dare to deviate from them in the slightest degree. — And in order to keep them more readily alive and present, We have decided to collect them as follows: (1) Cf. present volume, page 285. (2) Cf. *Acta S. Sedis*, volume XI, page 569. (3) Cf. *Ibid.*, volume XXIII, page 641. (4) Cf. *Ibid.*, volume XXXIII, page 383. (5) Cf. *Ibid.*, volume XXXIV, page 401.

[*Latin ed. p. 341*]

MOTU PROPRIO 341, in summary, in the following articles, as the fundamental order of Christian social action, drawing them from those very Acts. These must be for all Catholics the constant rule of their conduct.

FUNDAMENTAL ORDER OF CHRISTIAN SOCIAL ACTION

I. Human society, as God established it, is composed of unequal elements, just as the members of the human body are unequal: to make them all equal is impossible, and it would lead to the destruction of that very society (Encycl. Quod Apostolici muneris).

II. The equality of the various members of society lies only in the fact that all men originate from God the Creator; they have been redeemed by Jesus Christ, and they must, according to the exact measure of their merits and demerits, be judged, rewarded, or punished by God (Encycl. Quod Apostolici muneris).

III. From this it follows that, in human society, it is according to God's order that there are rulers and subjects, masters and proletarians, rich and poor, learned and ignorant, nobles and commoners, all united in a bond of love, helping each other to attain their ultimate goal in Heaven; and here, on earth, their material and moral well-being (Encycl. Quod Apostolici muneris).

IV. Man has over the goods of the earth not only the simple use, as the beasts; but also the right of stable ownership: not only of those things that are consumed by use; but also of those to which use does not consume (Encycl. Rerum novarum).

V. Private property, the fruit of labor or industry, or of another's cession or donation, is an inalienable right of nature; and each person may reasonably dispose of it as he pleases (Encycl. Rerum novarum).

VI. To resolve the conflict between the rich and the proletarians, it is necessary to distinguish justice from charity. One has no right...

[*Latin ed. p. 342*]

342 BY PAPAL BULL, a claim is made, unless justice has been violated (Encyclical *Rerum novarum*). VII. Obligations of justice, concerning the

Translated by churchlatin.ai, a product of Boyne Archives

working class and laborers, are these: to fully and faithfully perform the work that was freely and equitably agreed upon; to not cause harm to the property, nor offense to the person of the employers; in the very defense of their own rights, to abstain from violent acts, and never to transform such defense into uprisings (*Encyclical Rerum novarum*). VIII. Obligations of justice, concerning capitalists and employers, are these: to render just wages to the workers; to not damage their just savings, neither through violence, nor through fraud, nor through manifest or subtle usury; to grant them freedom to fulfill their religious duties, to not expose them to corrupting temptations and dangers of scandal; to not alienate them from the spirit of family and from the love of thrift; to not impose upon them labors disproportionate to their strength, or unsuitable to their age or sex (*Encyclical Rerum novarum*). IX. The obligation of charity for the rich and the wealthy is to assist the poor and the needy, according to the Evangelical precept. This precept obliges so gravely, that on the day of judgment, account will be given specifically for the fulfillment of this, as Christ Himself said (Matthew 25). (*Encyclical Rerum novarum*). X. Furthermore, the poor must not be ashamed of their poverty, nor disdain the charity of the rich, especially having in view Jesus the Redeemer, Who, being able to be born among riches, became poor in order to ennoble poverty and enrich it with incomparable merits for Heaven (*Encyclical Rerum novarum*). XI. The resolution of the labor question can greatly be contributed to by capitalists and the workers themselves through institutions, ordered to provide suitable assistance to those in need, and to bring the two classes closer together and unite them. These are mutual aid societies; the numerous private insurance companies; the patronage for children, and above all, the guilds of arts and trades (*Encyclical Rerum novarum*).

[*Latin ed. p. 343*]

MOTU PROPRIO 343 XII. For this purpose, the Christian Popular Action, or Christian Democracy, with its many and varied works, should be especially directed. This Christian Democracy, moreover, must be understood in the sense already authoritatively declared, which, far removed from that of a fraternal democracy, is based on the principles of Catholic faith and morality, above all, that of not infringing in any way the inviolable right of private property (Encycl. *Graves de communi*). XIII. Furthermore, Christian Democracy must never become involved in politics, nor must it ever serve political parties or political ends; this is not its field: but it must be a beneficial action for the people, founded on natural law and the precepts of the Gospel (Encycl. *Graves de communi*) (Instruction of the Sacred Congregation of Religious). Christian Democrats in Italy must completely abstain from participating in any political action that, under the present circumstances, for reasons of the highest order, is forbidden to every Catholic (cited Instruction). XIV. In carrying out its activities, Christian Democracy

Translated by churchlatin.ai, a product of Boyne Archives

has a strict obligation to depend on the Ecclesiastical Authority, rendering full submission and obedience to the Bishops and to those who represent them. It is not meritorious zeal, nor sincere piety, to undertake even good and beneficial things in themselves, when they are not approved by one's Pastor (Encycl. *Graves de communi*). XV. In order that this Christian-democratic action may have a unified direction, in Italy, it must be directed by the Opera de' Congressi e de' Comitati Cattolici; which Opera, in many years of praiseworthy labors, has so well deserved from the Holy Church, and to which Pius IX and Leo XIII of blessed memory entrusted the task of directing the general Catholic movement, always under the auspices and guidance of the Bishops (Encycl. *Graves de communi*). XVI. Catholic writers, with regard to everything that touches on religious interests and the action of the Church in society, must fully submit, in intellect and will, as all other faithful, to their Bishops and to the Roman Pontiff. Above all, they must avoid, concerning any serious matter,

[*Latin ed. p. 344*]

344. *MOTU PROPRIO*, perciò, i giudizi della Sede Apostolica (istruzioni della S. Congregazione dei Sagri Rituali). XVII. Gli scrittori democratico-cristiani, sicut omnes scriptores catholici, debent submitttere ad praeviam censuram Ordinarii omnia scripta, quae pertinent ad religionem, ad moralem Christianam et ad ethicam naturalem, in virtute Constitutionis *Officiorum et munerum* (art. 41) (1). Ecclesiastici autem, secundum eandem Constitutionem (art. 42), etiamdum scripta de characteris meramente technicis edunt, praevio consensu Ordinarii oportet uti (Istruz. della S. C. degli AA. EE. SS.). XVIII. Debent etiam omnia facere et omnia sacrificia, ut inter se caritas et concordia regnant, vitando omne iniurium vel reprehensionem. Cum ergo res ad dissensiones perveniant, prae eo quod aliquid in tabellis edant, ad Autoritatem Ecclesiasticam se vertant, quae iuxta iustitiam providere debebit. Postea, ab eadem Autoritate receptis, prompta obedience exhibeant, sine tergiversationibus et sine publicis querelis; salva, in debitis modis et ubi necessarium fuerit, appellatione ad Autoritatem superioris (Istruz. della S. C. degli AA. EE. SS.). XIX. Denique, scriptores catholici, dum causam proletariorum et pauperum adiutantur, cavent ut linguam utantur quae in populo aversionem ad classes superiores societatis inspirare possit. De vindiciis et de iustitia non loquantur, cum res sit de mera caritate, sicut ante explicatum est. Meminent se Christum Iesum omnes viros vinculo reciproci amoris coniungere voluisse, quod est perfectio iustitiae, et quod obligationem imponit ad res reciprocas ad bonum agendum (Istruz. della S. C. degli AA. EE. SS.). Praedictae normas fundamentales, Nos, *motu proprio* et *certa scientia*, cum Nostra Apostolica authoritate renovamus in omni parte, et iubemus ut tradantur omnibus Comitatus, Circulis et Unionibus Catholicis omnimodis et *forma*. Hae societates eas in sedibus suis affixas

Translated by churchlatin.ai, a product of Boyne Archives

habebunt, et (1) *Cfr.* Acta S. Sedis, vol. XXIX, pag. 388.

[*Latin ed. p. 345*]

FROM THE SECRETARY'S BREVIARY 545, they should often read them in their assemblies. We also order that Catholic newspapers publish them in their entirety and declare that they observe them, and indeed, they must observe them religiously; otherwise, they shall be severely admonished, and if, after admonition, they do not amend their ways, they will be prohibited by ecclesiastical authority. Since words and action are of no avail unless they are preceded, accompanied, and constantly followed by example, the necessary characteristic that must shine in all members of any Catholic organization is to openly manifest faith through the sanctity of life, the purity of conduct, and the scrupulous observance of the laws of God and the Church. And this is because it is the duty of every Christian, and also because, otherwise, they will blush and have nothing to say against us (Titus II, 8). Regarding these our concerns for the common good of Catholic action, especially in Italia, we hope, with divine blessing, for abundant and happy results. Given in Roma, near St. Peter's, on December 18, 1903, in the first year of our pontificate. PIUS PP. X. FROM THE SECRETARY'S BREVIARY, INDULGENCES granted by the Most Holy Pope Pius X for the holy days of the 8th of each month and for pilgrimages to the City during the year 1904. PIUS PP. X. To all faithful Christians to whom these letters will reach, health and Apostolic blessing. All that can be of good, of advantage, and of happiness to the Catholic name and to the eternal salvation of souls, We, by virtue of the supreme apostolate, of which We are invested by divine providence, seek to provide and promote in every way that is in our power, through the granting of spiritual benefits. Therefore, as the fiftieth anniversary of the day approaches in the coming year, on which the Pope Pius IX of blessed memory, with the approval of the entire Catholic world, declared by a solemn decree to be...

[*Latin ed. p. 346*]

546 FROM THE SECRETARY OF BREVES: Concerning the Virgin Mother of God, conceived without sin, and desiring to celebrate the memory of this most auspicious event, We decree that in many churches and chapels, throughout the entire year, from the eighth day of the coming December to the eighth day of the following year 1904, or on the immediately following Sunday, special prayers be offered. We, for whom nothing has ever been more dear than the ever-increasing devotion to the Virgin Immaculate, have decided, with paternal benevolence, to open the heavenly treasures of the Church, which the Most High has granted us the power to dispense. Therefore, trusting in the mercy of Almighty God, and by the authority of the Holy Apostles Peter and Paul, to all and each of the faithful, of both sexes, who, in any of the churches or chapels

Translated by churchlatin.ai, a product of Boyne Archives

existing in any part of the world, in which, with the permission of the respective Ordinary, a monthly service is customarily held in honor of the Virgin Immaculate, attend the same service, with at least a contrite heart, We grant, in the usual manner of the Church concerning the number of penances, seven years and as many quarantines; and as often as, on the days when this pious monthly exercise takes place, they likewise, with contrite hearts, visit the aforementioned churches and oratories, We grant to them, similarly in the usual manner of the Church, three hundred days of penance. Furthermore, to the same faithful of both sexes, who at least three times during the year, have attended the aforementioned services, and have confessed and received Holy Communion, We grant a plenary indulgence, to be gained only once by each of them; as also, to those who, within the coming year 1904, either in groups or individually, come on pilgrimage to this our beloved City, and there, with a spirit of true penance, are confessed and receive Holy Communion, and, as mentioned above, offer devout prayers to God, We mercifully grant, in the Lord, also a plenary indulgence and remission of all sins. Finally, We grant to the same faithful that they may, if they so prefer, use these plenary and partial indulgences to expiate the sins and penances of the deceased. Notwithstanding anything to the contrary. These present letters have...

[*Latin ed. p. 347*]

FROM THE SECRET BRIEF 347, valid only on this occasion. We wish that to the extracts and copies of these letters, even though printed, signed by the hand of a public Notary, and bearing the seal of a person holding ecclesiastical dignity, the same credence be given as would be accorded to these very present letters, if they were exhibited or shown. Given in Rome, near St. Peter, on the 7th of December, 1903, in the first year of Our Pontificate. L. & S. L. CARD. MACCHI. (Faithful Version)

PIUS PP. X. To all the faithful Christians who shall read these letters, greetings and the Apostolic blessing. Whatever good, utility, and happiness can be conferred upon the Catholic name and the eternal salvation of souls, We, by the divine favor granted to Us in the supreme office of the Apostleship, strive with all Our strength and promote the bestowal of spiritual graces. Furthermore, since the year is approaching when the fiftieth anniversary will occur, with the whole Catholic world rejoicing, of when Our Predecessor, Pope Pius IX, of blessed memory, solemnly proclaimed the Immaculate Conception of the Divine Mother Mary, and in order to celebrate the memory of this most auspicious event, We decree that in many churches and oratories, on the eighth day of each month throughout the year, from the eighth day of the coming December to the eighth day of the year 1904, or on the immediately following Sunday, special prayers shall be offered; We, desiring nothing more than that devotion to the Immaculate Virgin should ever increase, benignly open the treasures of the heavenly

Translated by churchlatin.ai, a product of Boyne Archives

Church, entrusted to Us by God, in the Lord. Therefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We decree that all and each of the faithful of both sexes who, in any church or oratory throughout the world, where, with the approval of the local Ordinary, a monthly function is held in honor of the Blessed Virgin Mary Immaculate, attend that exercise, at least with a contrite heart, shall for seven years, perform as many forty hours of penance for the debts enjoined upon them or in any other manner.

[*Latin ed. p. 348*]

548 FROM THE SECRETARY'S OFFICE OF BREVIARIES, we customarily grant: on those days on which this monthly exercise of piety is performed, let those who have contrite hearts likewise visit the aforementioned churches and oratories, as many times as three hundred days of penance are customarily remitted in this form by the Church. Furthermore, to all the faithful of both sexes who have attended these same functions at least three times during the coming year, having confessed and received Holy Communion, and who have offered devout prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, we grant a plenary indulgence, once only to each person. Moreover, to all those who, during the coming year of 1904, either together or individually shall come to this Our Beloved City, and there, with a spirit of true repentance, shall have confessed and received from the Holy Table, and shall have devoutly visited the Basilicas of the Vatican and of Saint Peter, as mentioned above, we mercifully grant, in the Lord, the indulgence and remission of all their sins. We also grant and allow that these plenary and partial indulgences may be applied for the souls of Christian faithful detained in Purgatory, as an act of suffrage. Contrary things notwithstanding. These are valid only for this occasion. We decree that copies or exemplars of these letters, even printed ones, signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, shall be held to be entirely valid, just as if the originals were presented or shown. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the 8th of December, 1903, in the first year of Our Pontificate. L. * S. AL. Card. MACCHI.

[*Latin ed. p. 349*]

349 ADMINISTRATION OF THE SIXTINE SACRISTY The administration of the Sixtine Sacristy, located in the Basilica of Saint Mary Major in ROMANA, is entrusted to the Cardinal Archpriest and the Liberian Chapter.

PIUS PP. X. Moved by piety and devotion, and wishing to honor and venerate the most blessed Mother of God, as We have always done be-

Translated by churchlatin.ai, a product of Boyne Archives

fore, and now more than ever, We intend to devote Our attention to the Patriarchal Basilica of Saint Liberius, which, as the most august shrine of the Mother of God, deserves, by a certain right, Our special care. And as We consider the temple of the Virgin at this time, the occasion is opportune, since throughout the world there is joy, because Our predecessor, Pope Pius IX, fifty years ago, decreed that the Immaculate Mary should be believed to be immaculately conceived from her conception. Indeed, in order to testify to the favor and goodwill with which We regard this Basilica, We wish to undertake a certain plan, which, while contributing to the preservation of this most sacred building, would also seem fitting for the Order of Canons of Saint Liberius. The Sacred Treasury of the Body of Christ, which was constructed there by Pope Sixtus V, also oversees the safeguarding of the cradles of Our Lord; and We believe it is appropriate to change the administration and management of this Treasury, which has been in effect up to this time, through these documents.

Therefore, Pope Pius IX, on the 28th day of December in the year 1869, issued Apostolic Letters, by which He abolished the College of Priests that Sixtus had added to the Treasury, and then, in other Letters, which began with the words "De insignium pietatis" on the 24th of May in the year 1871, He abolished the office and duty of the Cardinal Protector, and placed the Sixtine Sacristy directly under His own authority and that of His successors in the papacy, assigning and attributing to the said Treasury, forever, all goods, rights, and actions, whether pertaining to the Treasury or to the aforementioned College, by whatever name. Furthermore, He decreed that the Cardinal Prefect of the pontifical buildings, or the Antistes, if the administration of the Apostolic Palace was in his charge, should, in place of the Cardinal Prefect, preside over the Sixtine Sacristy and administer all the goods attributed to the Treasury, specifically and by name.

[*Latin ed. p. 350*]

350 FROM THE SECRETARY'S SUMMARY: So that, after deducting the annual accounts, the remaining funds might be properly and legitimately invested in loans, and also be available for extraordinary expenses, it was desired that a suitable man be chosen from the clergy, at the discretion, so that, if necessary, he might be removed, to preside over the Sacristy, with no remuneration. This man would not only take care of the proper performance of the sacred duties there, but would also protect the ornamentation of the Sacristy and the very buildings themselves; however, he would incur no expenses, unless authorized by the Cardinal Prefect of the Palaces or the Archpriest of the Basilica. Furthermore, it was granted to either the Cardinal or the Archpriest the power to appoint a priest as custodian of the Sacristy, and also two clerics and two laymen, who could also be removed at will, and to define their duties and stipends. Finally, the house adjoining the Sacristy, which He himself had arranged to be built and given to the

Translated by churchlatin.ai, a product of Boyne Archives

Sacristy, was granted to a priest and a lay custodian, with the exception of the lower part of the house, the use of which He reserved for Himself and His successors.

— These things, among others, Pope Pius IX established in the documents mentioned above, especially concerning the relics belonging to the now-extinct Sixtine College. We, however, abrogate those decrees of Our Predecessor, to the extent that it is necessary, and We establish and decree the following to be stable and valid henceforth:

I. The Sixtine Sacristy shall henceforth be subject to the same laws as the other parts of the Basilica of Saint John Lateran, so that the ownership or property of the Sacristy shall remain with the Apostolic See, while the use and usufruct thereof shall pass to the Chapter of Saint John Lateran.

II. In the goods assigned to the Sixtine Sacristy by the decree of Pope Pius IX, the use of the adjoining house shall be considered to belong to the Sacristy, with no part reserved.

III. The right to preside over the Sixtine Sacristy and to administer its goods shall belong, not to the Cardinal Prefect of the Pontifical Buildings, nor to the Archpriest of the Basilica, but to the Cardinal Archpriest and the Chapter of Saint John Lateran; however, the accounts of the Sacristy shall be kept separate from the accounts of the Chapter.

IV. With regard to the custody of the Sacristy, it shall be up to the Archpriest and the Chapter to determine how it shall be managed and by what means.

V. In the administration of the goods of the Sixtine Sacristy, after deducting from the total revenue the expenses that must be incurred for the annual maintenance, custody, and worship of the Sacristy, the remaining funds...

[*Latin ed. p. 351*]

FROM THE SECRETARY OF STATE, number 551, concerning which we write as follows: One thousand Italian silver coins shall be set aside annually for the lender, to be accumulated for extraordinary expenses of the Sacristy; the remainder may be converted by the Chapter solely for the maintenance of the Basilica, for its necessary works. All of these things are approved and established, and we wish them to remain perpetually so: notwithstanding Our regulations and those of the Apostolic Chancery, and especially those concerning acquired rights, as mentioned in the Apostolic Letters of Our Predecessor, Pius IX, and other Apostolic Constitutions and ordinances, and also any statutes and customs, even those of long standing, privileges, exemptions, and indulgences, which are worthy of specific and individual mention, even under any wording or form, and with any clauses or decrees of derogation and invalidation, in general or in particular, even by papal decree, and granted by the fullness of Apostolic power. With

Translated by churchlatin.ai, a product of Boyne Archives

respect to all and each of these, even if a special, specific, and individual mention would need to be made for their sufficient derogation from them and from all their contents; considering the present forms, wording, reasons, and circumstances to be fully and sufficiently expressed, we most broadly derogate and declare to have derogated from all of these, and from all other contrary things whatsoever. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 8th of December, 1903, in the first year of Our Pontificate. L. & S. A. CARD. MACCHI. FROM THE SECRETARY OF STATE: PROHIBITION It is confirmed that it is not permissible for Italian Catholics to participate in political elections. To His Eminence, With the most respectful greetings addressed to Your Holiness on the eve of the sacred day dedicated to the Virgin Immaculate, the Direction of "Il Domani d'Italia" has beautifully affirmed before the new Vicar of Christ the unconditional adherence that guides them.

[*Latin ed. p. 352*]

352 FROM THE SECRETARY OF STATE, the mind and will of every truly Catholic publication must profess. From the heavenly favor, first of all, comes the life and restoration of Christianity; therefore, it was fitting and wise that Your Eminence and your esteemed colleagues, united in this holy resolution, should entrust the protection and growth of the organ of the Second Group to the patronage of the Immaculate Mary, just as the Group itself had already been providentially entrusted to that same Queen. Moreover, since the desired healing of the human race in Christ cannot be achieved otherwise than through union with the Shepherd of Shepherds and dependence on Him who happily renewed the precept, their counsel proved equally wise and fitting to proclaim without ambiguity their obedience and docility to the documents of the Pope, and to strive so that all, as far as possible, recognize the necessity of such conduct. Furthermore, the Holy Father noted with particular satisfaction that the direction of the aforementioned periodical includes those things which the Supreme Pontiff has also recently invoked for the freedom and independence of the Apostolic See, and He does not doubt that in the truly Catholic sphere, the official organ of the Congresses and Associations Institute of Italy will not allow the false insinuation of a new direction to spread, nor that the conduct of Italian Catholics will be changed by the withdrawal of a prohibition issued by the Holy See for well-considered and well-known reasons. In order to attest to this direction and to the entire Second Group his benevolence, His Holiness has graciously granted the Apostolic Blessing requested by them. I gladly seize this opportunity to reaffirm my sincere esteem for Your Eminence. Illma, Rome, December 12, 1903.

Yours to serve,

R. Card. MERRY DEL VAL.

To: Mr. Archimede Pasquinelli, Director of "Domani d'Italia," Bergamo.

Translated by churchlatin.ai, a product of Boyne Archives

(1) This Cardinal Secretary of State, in the name of His Holiness, replies to the most devoted letter sent by the direction of the periodical "Domani d'Italia," the official organ for the activities of the second division (commonly known as the II Group) of the Institute of Congresses and Catholic Associations of Italy, which was sent to Pope Pius X on December 7, 1903.

[*Latin ed. p. 353*]

353 ACTS OF THE ROMAN CONGREGATIONS. From the Holy Congregation of the Index, a Decree concerning the prohibition of books. On Thursday, December 4, 1903. The Holy Congregation of the Most Eminent and Most Reverend Cardinals of the Holy Roman Church, by order of the Most Holy Lord, our Pope Pius X, and the Holy Apostolic See, concerning the Index of books of pernicious doctrine, and their condemnation, suppression, purification, and permission throughout the Christian republic, having met in the Vatican Apostolic Palace on December 4, 1903, condemned and condemns, suppresses and suppresses, and orders that the following works be included in the Index of Prohibited Books: Albert Hontin, *La question biblique chez les catholiques de France au X I X siècle*. Albert Houtin, *Mes difficultés avec mon évêque*. Alfred Loisy, *La Religion d'Israël*. Alfred Loisy, *L'Evangile et l'Eglise*. Decree of the Sacred Office, February 4. Alfred Loisy, *Etudes évangéliques*. December 16, 1903. Alfred Loisy, *Autour d'un petit livre*. Alfred Loisy, *Le quatrième Evangile*. Therefore, no one of any rank or condition whatsoever shall dare to publish, or to read or retain, the aforementioned works, wherever and in whatever language, under the penalties indicated in the Index of Prohibited Books. These matters having been reported to the Most Holy Lord, our Pope Pius X, by me, the undersigned Secretary, His Holiness approved the Decree and ordered it to be promulgated. In witness whereof, etc. Given in Rome, on December 4, 1903. ANDREAS CARD. STEINHUBER, Prefect. L. S. Fr. THOMASESSER, Ord. Praed., Secretary. On December 24, 1903, I, the undersigned Magister Curiae, testify that the aforementioned Decree was affixed and published in the City. Henricus Benaglia, Mag. Curiae. Acts, Volume XXXVI, page CDXXVI, number 23.

[*Latin ed. p. 354*]

354 FROM THE SACRED CONGREGATION OF THE INDEX. This Decree was announced to the Most Reverend Richard, Archbishop of Paris, along with the following letter from the Most Eminent Cardinal Secretary of State of the Holy See, in which are summarized the principal dogmatic errors which the Reverend Father Alfredo Loisy taught in these published books, namely concerning the primitive Revelation, the authenticity of the facts and precepts of the Gospel, the Divinity, Knowledge, and Resurrection of Jesus Christ, the divine Institution of the Church, and the Sacraments.

Translated by churchlatin.ai, a product of Boyne Archives

Most Reverend and Most Reverend Sir, My Most Excellent. By order of the Holy Father, I must inform Your Eminence of the measures which His Holiness has decided to take with regard to the works of the Reverend Abbot Alfredo Loisy. The most grievous errors which are spewed forth in those volumes concern primarily: the primitive Revelation; the authenticity of the facts and teachings of the Gospel; the Divinity and knowledge of Christ; the Resurrection; the divine Institution of the Church; and the Sacraments.

The Holy Father, deeply saddened and grievously concerned by the disastrous effects which these writings produce, and can still produce, has desired to submit them to the examination of the Supreme Tribunal of the Holy Office. This Tribunal, after mature reflection and prolonged study, formally condemned the works of Abbot Loisy, with a decree of the 16th of the month [of April], a decree which the Holy Father fully approved during the audience of the following day, the 17th of the month [of April].

I am charged with transmitting to Your Eminence the authentic copy of this document, the gravity of which will not escape Your Eminence. Kissing Your hands most humbly, I honor myself in reaffirming with sentiments of profound veneration, Your Eminence.

Rome, 19th of December, 1903.

Your devoted and faithful servant,

Most Reverend Cardinal MERRY DEL VAL.

[*Latin ed. p. 355*]

555 FROM THE HOLY CONGREGATION OF THE COUNCIL, a decree concerning dismissal letters for clerics setting out for America and the Philippine Islands. It is known to no one that foreign clerics, coming from distant overseas lands, should be admitted to the exercise of the sacred ministry only with great caution, in accordance with the statutes of the ancient Fathers, and the canonical sanctions of title 22, book I of the Decrees, and also prudent rules. For, owing to the distance and difference of places, it is often difficult to form a just judgment concerning these individuals and their qualities, and concerning the value of the documents presented by them; fraud and deceit sometimes creep in; hence, the danger is widespread that unworthy and wicked men may be placed over the flock of the faithful, to the very grave offense of divine majesty and the detriment of the Christian cause. To prevent these evils, the Holy Congregation, by special mandate of the Most Holy Pope Leo XIII, issued circular letters to the Ordinaries of Italy and America on July 27, 1890, by which it enacted a law to restrain the migration of Italian priests to America by certain rules. These rules are as follows: "1) Henceforth, it is entirely forbidden to the Bishops and Ordinaries of Italy to grant to their secular priests dismissal letters for emigrating to the regions of America. "2) An exception may

Translated by churchlatin.ai, a product of Boyne Archives

only be admitted, with the Bishop's conscience burdened, for some priest of his diocese of mature age, endowed with sufficient sacred knowledge, and with a truly just reason for emigration; who, however, having good testimony of a life of unblemished virtue, and having hitherto carried out the works of the sacred ministry with *laude* of ecclesiastical spirit and zeal for the salvation of souls, should demonstrate a firm hope of building up the faithful and the people to whom his passage requires, and should also provide moral certainty that he will never stain his priestly dignity by the practice of vulgar arts and trades. "3) But in such a case, the same Italian Bishop and Ordinary, having duly considered and approved everything, shall act, without the intervention of the priest requesting it, with the American Ordinary to whose diocese he wishes to go, and having received from him..."

[*Latin ed. p. 356*]

356 From the American Ordinary of the Sacred Council, through the formal acceptance of the aforementioned priest, together with the promise of assigning him to some ecclesiastical office, he shall report to this Sacred Congregation of the Council on all and each matter. However, if he agrees, then the diocesan bishop may grant dispensations, communicating with the American prelate through a secret letter, unless the priest's own particulars, in order to prevent fraud concerning the identity of the subject, are already known to him. "It shall not be permitted for a priest to emigrate from one diocese to another in America without a new license from this Sacred Congregation." "4) Presbyters of the Eastern Rite are excluded in any case." "5) If this concerns not emigration, but another priest from Italy who, for his own particular and temporary reasons, wishes to go to America, it will be sufficient for his own Ordinary, considering these circumstances, and provided that nothing else hinders, to grant him in writing his permission for a time (not exceeding a period of one year), in which the reasons for his departure are stated, with the condition that he shall remain immediately suspended from divine offices upon the completion of the established time, unless he obtains a legitimate extension. " "6) Those priests who, for this purpose, enjoy a special apostolic privilege are not included in these laws concerning emigration to America." By this law, many harmful things were removed and eliminated, but not all, nor entirely. Experience has shown that, due to the unfortunate interpretation of article 5 mentioned above, the salutary effect of that law was often frustrated. Furthermore, it has been observed, not only from Italy, but also from other regions of Europe, that the migration of priests to America, and to the Philippine Islands, was excessive, and sometimes even harmful. Therefore, the Fathers of the Sacred Congregation, after duly examining the reports of many bishops, and in accordance with the wishes of those same bishops, having considered all matters carefully, judged it to be necessary to provide more extensively on

Translated by churchlatin.ai, a product of Boyne Archives

this matter with a new general law, which is contained in the following chapters: I. For Italian clerics, with the firm provisions contained in the circular letters of July 27, 1890, numbered 1, 2, 3, 4, and 6, all Ordinaries, both of Italy and of America, are strictly charged to ensure full observance of them.

[*Latin ed. p. 357*]

DECREE 557. The faculty granted under number 5 is restricted to cases of strict and urgent necessity, such as, for example, the grave infirmity of someone residing in the United States, which Christian charity or the office of piety demands, and where there is no time to appeal to the Holy See. But in such and similar cases, the reason for the urgent necessity must be clearly and definitively expressed in the dispensatory letters, the period of absence being limited to six months, and the matter must be reported promptly to the Congregation of the Holy See.

II. Furthermore, it shall not be permissible for European Ordinaries to grant dispensatory letters for their clergy to go to the United States, unless they first obtain the consent of the Bishop of the diocese to which the priest wishes to go, through secret letters exchanged for this purpose, in which the American Prelate is informed of the age and moral and intellectual qualities of the migrating priest. However, in cases of strict and urgent necessity, a license may be granted by the priest's own Ordinary, in the same manner as above, but it shall be valid for only six months, with the reason for the urgent necessity noted, and with a warning sent by letter to the Bishop of the place to which the priest is going.

III. Finally, for priests migrating from any part of the world to the islands of the Philippines, the same laws and regulations shall be observed as for Italian priests going to the United States, with this difference, that for European priests, permission must be requested from the Congregation of the Holy See; for priests from the United States or another region, from the Apostolic Delegation in Washington. Therefore, in the future, dispensatory letters for clergy migrating to the United States and to the Philippine Islands shall be drawn up in a specific form, according to the rules stated above, and otherwise they shall be of no value, and shall be considered as such by the Ordinaries of those dioceses.

Having made a report on all of this to His Holiness Pope Pius X in an audience on September 17th of the present year, the Holy Father confirmed the above decrees, and ordered them to be published by circular letters of the Congregation, to be observed by all, to the contrary of anything to the contrary notwithstanding.

Given in Rome, from the offices of the Congregation of the Holy See, on November 14, 1903.

V. CARD. VANNUTELLI, Prefect.

Translated by churchlatin.ai, a product of Boyne Archives

L.)$f S. C. DB L A I, Secretary.

[*Latin ed. p. 358*]

358 FROM THE CAUSES OF DIVISION PRESENTED TO THE HOLY GENERAL COUNCIL AT IACIENSE. September 5, 1903. This cause of division was first proposed in the General Chapters on December 20, 1902, and a response was issued to the doubtful proposition: "Whether and in what manner there is a place for division in this case," at the request of the Bishop "Dilata." Then, it was again discussed in the general congregation on September 5, 1903, and the doubtful proposition: "Whether and in what manner there is a place for division in this case" was dismissed with this response: "Affirmatively, with the preservation of the matrix status of the Archpriest of the place of Giarre, to be recognized with some sign of obedience." Hence, given the specific facts, it is fitting here to present a summary of the arguments that were brought forth, both in the first and in the second presentation of the cause. Specific Facts. In the diocese of Iaciense in Sicily, the parish church of the town of Giarne encompasses a very large territory, and numbers its subjects at twenty-seven thousand, who inhabit a town not a little distant from the matrix church. The care of souls is provided for by removable vicars, established in nine filial churches. When, in the year 1747, the parish church of the place of Giarre was established through the division of another parish, it received no more than twelve thousand subjects, but as I have said, the number has increased daily to twenty-seven thousand, and therefore, the inhabitants of the places of S. Giovanni Montebello and S. Alfio la Bara have urged the Archbishop to divide the old parish, and to erect a new one in the town of S. Giovanni, which...

[*Latin ed. p. 359*]

IACIEN. 359, includes also the town of St. Alfius of the Bar. The most powerful reason adduced is the distance of the places and the more difficult access, indeed, not infrequently, the complete lack of access. For the town of St. John is distant from the parish church of the place of Giarre by three thousand paces (four and a half kilometers), and the town of St. Alfius is distant by five thousand paces (seven kilometers). Indeed, a path exists which is somewhat shorter, but it is mountainous and crosses a stream which, in winter, is overflowing with water, which cannot be forded. Furthermore, many of the faithful subjects of the parish of the place of Giarre, namely, almost six thousand inhabitants dispersed in the countryside, from the shores of the Ionian Sea to Mount Etna, so that at least some inhabitants are distant from the mother church by no less than thirteen thousand paces (from 10 to 20 kilometers). The vicars appointed in the filial churches have the faculty of administering all the Sacraments, and also of celebrating marriage, but it is necessary for the betrothed to go to the parish church to complete the formalities, namely, the preliminary matrimonial announce-

Translated by churchlatin.ai, a product of Boyne Archives

ments, while the matrimonial announcements and the affixed inscriptions on the public registers (which they call civil marriage) are made, for the convenience of the citizens, in the very towns themselves. The stipend is paid to the vicars by the Municipality of the place of Giarre, and it is very meager, not reaching two hundred *libellae* annually. Now, the priests and inhabitants of the places of St. John Montebello and St. Alfius of the Bar, with a concordant effort, are striving to have a parish established in the town of St. John the Baptist, so that no diminution of the fruits of the benefice of the parish priest of the place of Giarre is made, since both the priests and the faithful have already promised to their Bishop that they will deposit in the hands of ecclesiastical authority the sum corresponding to one thousand *libellae* annually, for the proper establishment of a parish, as soon as such a parish is constituted. However, the Bishop, although he did not intend to call into question the spiritual good that would result from this, refused to give this decree, fearing the population.

[*Latin ed. p. 360*]

360. From the records of the Sacred Council, concerning the seditions which, according to its own account, would arise from the division of the parish. When therefore the priests and inhabitants petitioned the Sacred Congregation, and the Bishop was questioned regarding his opinion and vote, on July 24, 1901, he reported as follows: it seemed to him more prudent, for the present, to refrain from the requested division. Reasons against the division. Firstly, the Archbishop recalls the public complaints made in the town of Giarre by the citizens against the proposed division, since in the year 1900, when the parish church was vacant, the question of dividing the parish began to be raised. And indeed, there exists in the records a letter from the Pro-Syndic of this town to the Eminent Prefect of the Sacred Congregation, in which he attempts to demonstrate that a great inconvenience would result for the municipality itself if this division were decreed. For, the Pro-Syndic stated, after these inhabitants obtained the establishment of their own parish, they would also try to obtain the division of the municipality, so that their towns could then be erected into a separate municipality. Therefore, he adds, the citizens of Giarre would certainly provoke disturbances to public order if such nefarious decrees were issued, or if those already issued were put into effect. Furthermore, he notes that the municipality of Giarre has deservedly earned the favor of the Church, since it is accustomed to spending more on promoting divine worship, in addition to what it provides to the vicars and curates for their proper support. Moreover, the Archbishop himself points out what would follow from the division: 1) The municipality, which is already very displeased, would no longer provide the subsidy that it previously gave for sacred functions; 2) anger would arise among the inhabitants, who would blame both the Archpriest and the Archbishop for the act of

Translated by churchlatin.ai, a product of Boyne Archives

division. Therefore, the Archbishop believes that it is better to postpone the erection of a new parish, until these towns are erected into a separate municipality by civil authority.

[*Latin ed. p. 361*]

IAGIEN. 361 Furthermore, the Archpriest, presenting numerous arguments against the necessity or suitability of establishing a new parish, observes that the division of a parish can only take place when there is no urgent necessity, and the canons prescribe that such divisions must be granted when a benefice is vacant, so that the rights legitimately acquired are not taken away from the rightful possessor through the dismemberment of the parish. On the contrary, those who petition for the division of the parish present a suppliant petition to the Bishop, while the parish is still vacant; and in this petition, they implore the Bishop not to grant the parish, while the dispute is still under consideration; and if the Bishop were unwilling to postpone the grant in any way, he would grant it in such a manner that it would not prejudice any of the proposals made in the petition. Furthermore, the inhabitants of the place of Saint John and Saint Alphius, who supported the suppliant petition with 250 signatures, in order to demonstrate their case, point out that in this instance, the distance from the canons required for granting a division is present. And indeed, Bouix (De parocho, page 263) states: "Regularly speaking, two thousand paces are considered a sufficient distance..." Thus it is noted in the Thesaurus resolutionum... (volume 18, page 178)... which distance, according to the common opinion of the canonists, is considered adequate if it is double a mile, as taught by the Rota. Moreover, the petitioners argue that the Doctors teach that "if it is established that the road is mountainous, rough, muddy, and so difficult that the parishioners, without great inconvenience, indeed even danger, cannot access the parochial church to receive the sacraments and hear the divine offices, especially in winter, due to rains and storms, not only is the appointment of a vicar considered necessary, but also the dismemberment or the establishment of a new parish, according to what is stated by the Rota in Lucana Dismembrationis, May 9, 1611, in the collection of Ottembergo and Decem. 59, no. 2, before Martin Andrea." Cf. Pignatelli, volume 4, consultation 230, no. 9.

[*Latin ed. p. 362*]

362. Furthermore, the petitioners add, it must be considered that the Sacred Congregation [of the Council of Trent] has customarily commended and confirmed the division of parishes and the erection of new ones, as can be seen in the documents from Aquitaine, March 17, 1827; Fulgita, year 1729; and Nola, February 3, 1758. This is especially the case because, in a greater measure, the great inconvenience is alleviated by the erection of a new parish than by the assistance of a chaplain, and in this case, it appears

Translated by churchlatin.ai, a product of Boyne Archives

to be the opinion of the Council of Trent. Moreover, the petitioners attempt to confirm their argument based on the increased number of inhabitants. Indeed, they state that in this case, ten families are required by canon law; cf. Canon 3, Cause 10, Question 3: "That a Church, which has ten families, shall have a priest over them; but if it has fewer than ten families, it shall be joined to other Churches." However, the town of San Giovanni and San Alfio together number approximately seven thousand inhabitants, who, due to the distance from the parish church of Giarre, are often unable to attend the sacred functions and, most importantly, to receive the sacraments. Furthermore, the petitioners complain that the inhabitants are not known by the parish priest, while the Council of Trent mandates that bishops, for the salvation of souls, assign a distinct population to certain and proper parishes, each with its own and particular parish priest, who should be able to know them (Session 24, De ref., chapter 13). Even more so, the petitioners urge, the division should be decreed in this case, because it is clear from the records that nothing is lost to the parish church of Giarre, and nothing is lacking for the erection of the new church. It is written in "Acta S. Sedis, vol. 12, p. 293": "It cannot be said that an ancient church loses anything, if, after the division, it returns to the same state in which it was before the increase of the population began. — It is understood that nothing is lacking for the erection of a church, when it has everything prepared to serve secular needs, and has been endowed with a suitable endowment for the same purpose." Therefore, the petitioners conclude that both of these points are clearly verified in this case, and they urge that the requested division be decreed.

[*Latin ed. p. 363*]

JACIEN. 363. A Question: Whether and in what manner there is a place for division in this case. Answer: Deferred. The principal arguments presented from various sources are set forth in the second proposition of the same case, which was heard on September 5, 1903. Reasons against division. The Bishop, in his letter of June 23, 1903, stated the most serious inconveniences that would follow from the granting of division, either because the Municipality would deny the necessary subsidies for the sacred functions, or because numerous quarrels and disputes would arise after the division, both between the Bishop and the Municipality of Giarre. The parish priest himself, who presented certain observations, first of all recalls that division cannot be admitted according to the decrees of the Council of Trent, Session 21, De Ref., chapter 4, if the needs of the people can be met by assistant priests, as has been the case in the towns of "S. Giovanni e S. Alno." Furthermore, in the same text, the Council of Trent considers the necessity of dividing a parish only if access to the parochial church is so difficult that the parishioners cannot use the Sacraments without great inconvenience. Indeed, the parish priest asserts that there is no significant inconvenience in

Translated by churchlatin.ai, a product of Boyne Archives

this case, although the inhabitants of the towns of S. Giovanni and S. Alphi claim the contrary. According to the parish priest, these individuals do not deserve to be believed when they assert: "the most important reason is the distance of the places, and the more difficult access, indeed, sometimes there is a complete lack of access." This, he says, is false, and furthermore, as the Doctors teach, the distance of the places must be considered a legitimate cause for division only when the parishioners, especially during the winter, cannot access the parochial church for divine services without danger or hardship.

[*Latin ed. p. 364*]

364 From the pronouncements of the General Council, there arises a significant inconvenience, nor is the parish priest to be excused on the grounds of infirmity regarding the administration of the Sacraments. But in either case, verification is required by the parish priest. Then, the parish priest considers the matter under the aspect of civil laws, to which, by necessity, a new parish, if established, would be subject, and he deduces the most serious inconveniences that would arise therefrom. Finally, the parish priest notes that the division cannot be decreed in this case, because it would be unjust to deprive him of his legitimately acquired right, since there is no just cause, urgent necessity, or evident utility in the case. Reasons against division. The advocate who argues against the division points out that the legitimate reasons for division have already been sufficiently presented in the preceding statement. These, namely, the distance of the parish church and the roughness of the roads, concur in this case to such an extent that even the Bishop, although perhaps not openly favoring the parish priest, could not deny that the establishment of a new parish would be beneficial to the inhabitants of "di S. Giovanni Montebello e S. Alfio la Bara." With this established, the advocate proceeds to refute the objections, namely, the danger of sedition in the town of Giarre if the division is carried out; the certain and appropriate deficiencies for the new parish; the fear that the municipality of the town of Giarre, if the division is carried out, inflamed with anger, will no longer pay the annual sum for the expenses commonly called "di culto." The advocate considers these objections to be of no importance. Regarding the first, namely, the danger of sedition, he notes that it is inevitable that the authority of the Church will be subjected to the will of a few. Indeed, he argues, it is scarcely conceivable that a division could occur without such dissent among the faithful whose parish is being divided, and without this dissent being manifested through public protests. If this were to be taken into account, he insists, no parish would ever be divided. But, he says, there is no danger of sedition, unless the

Translated by churchlatin.ai, a product of Boyne Archives

parish priest stirs up animosity and incites sedition.

[*Latin ed. p. 365*]

IAGIEN. 365 moveat. To prove this, he recounts that, from the very entrance into the parish, the parish priest addressed the parishioners in such a way as to incite them to resist any attempt at dismemberment. Nor did he change his course of action afterwards, until the presentation of the superior's proposal; indeed, even on the day of the elections, he informed the municipal authorities that he was going to Rome to prevent the dismemberment, and declared that he would resign his office unless His Holiness complied with his wishes. However, no sedition is to be feared; the patron stated, noting that the *Ephemeris Ecclesiastica*, commonly known as the *Acta Sanctae Sedis*, had illustrated a similar case: "In such cases of dismemberment, the same story almost always occurs, when the parish priests obstinately oppose themselves. They provoke the people to dissent, as if the dismemberment of the parish should depend on the popular will. And what is easier for a parish priest, whose mind is agitated, than to stir up a certain number of parishioners to show that they are dissenting from the dismemberment of the parish? Moreover, the Christian people, who are not provoked by the desire of others to dissent, are usually most obedient to ecclesiastical authority, which alone has the duty of knowing and deciding what is more beneficial to the people and to the salvation of souls" (*Acta S. Sedis*, vol. IV, p. 271, note). But if the danger of sedition is not to be feared in the town of Giarre, if the parish is dismembered, then, on the contrary, it exists in the towns of S. Giovanni Montebello and S. Alfio La Bara. Truly, the petition signed by five hundred parishioners fully demonstrates how much these people care about the dismemberment of the parish. How great is the indignation of the citizens towards the parish priest who resists the dismemberment, it is clearly evident from the fact that the parish priest, when he was supposed to enter the town on the occasion of the patronal feast, used armed force, fearing that an outbreak of uncivil acts would occur. And this is clearly testified to by the magistrates and presidents of the neighboring municipalities. As for the second objection regarding the lack of sufficient certainty...

[*Latin ed. p. 366*]

366. The advocate, addressing the few present at the meeting of the Council, responds: "Indeed, this objection no longer holds any weight today, since a suitable sum has been offered by the faithful and deposited in the treasury of the Most Reverend Ordinary, as a credit against the public institution, Banca cFItalia. However, the speaker notes that the decision, whether affirmative or negative, can no longer be postponed; for those who have offered a suitable sum do not wish it to remain unproductive any longer. Moreover, it is observed that some of the

Translated by churchlatin.ai, a product of Boyne Archives

contributors, burdened by old age, seem to be nearing death. Regarding the third objection, the Parish Priest fears that the municipality may refuse to provide the customary sums of money for divine worship, since the municipal councilors believe that the ecclesiastical division of the towns of S. Giovanni and S. Alfio paves the way for achieving a civil division. But first, the advocate replies, these are more like dreams than arguments, since no proof is alleged that ecclesiastical division is sought in order to more easily achieve civil division. Indeed, it is scarcely conceivable how ecclesiastical division could provide an opportunity for civil division, since it is clear that a parish can consist of two municipalities, or a municipality can be divided into two parishes. But, having said this, the advocate strongly insists that the municipality must be held accountable for providing funds for ecclesiastical expenses, so that it cannot refuse to do so. If the reason by which the municipality is obligated to provide funds for ecclesiastical expenses is to be investigated, the advocate believes there are two reasons: namely, the law and prescription. First, the law: the municipality began to provide these funds as compensation for services previously rendered to divine worship, which were abolished under the authority of civil government in Sicily. However, this title is confirmed by royal decrees, which impose the obligation on municipalities to endow parishes that are without endowments (on June 25,..."

[*Latin ed. p. 367*]

(IACIEN. 367, III et 10 septembris 1782): Eundemque etiam a concordato confirmatum (art. 5): Hoc titulum, inquam, leges hodiernae asciscuntur, ita ut expensas, hac causa suppetitas, haud possint, nec in nostra aetate, a municipio denegari. Praeterea, praescriptio: civilis enim disciplina illud hodie fixum et certum habet, expensas, ut obligatorias habendas esse, quas municipia triginta per annos, pro Ecclesiasticis oneribus, repensarunt. Qua de re, perillustris quidam advocatus sententiam rogatus, pro certo habuit nullum adesse periculum ne sumptus denegentur, quia nequeunt, ad iuris italici tramitem denegari. Et ipsum municipium, quod hodie absurde minitatur, non suspecto tempore, cum quidam, a reipublicae gubernatoribus missus civilis commissarius, onus istud supprimere vellet, haud posse supprimere demonstravit. Obiectionibus ita reiectis, concludit advocatus, nihil amplius esse cur dismembratio retardetur. Qua de re, bona enumerat ex dismembratione obventura: quod scilicet oves proprium habeant pastorem, a quo cognosci et pasci valeant, cum constet hodie semel tantum in anno ad duo oppida (S. Giovanni et S. Alfio) Parochum accedere, ut sacra expleat solemnia, quibus expletis ex oppidis digreditur, usque ad sequentem annum non amplius reversurus. Accedit quod duo oppida servitio divino destituuntur: nam Parochus ad ea numquam accedit; capellani, qui curam agunt Parochi nomine, incongrua prorsus remuneratione (191 librae in singulos annos) tanto oneri impares sunt.

Translated by churchlatin.ai, a product of Boyne Archives

Quin etiam, cum eorum ius sit aliquantisper circumscriptum, fidelium haud semper possunt occurrere necessitatibus, qui coniugium inituri, toties ad Ecclesiam parochialem longe sitam accedere debent, quoties praeliminares actus, coram Parocho, explendi sunt. Accedit denique quod duorum oppidorum Ecclesiae suos habent reditus; qui, pro Ecclesia oppidi S. Giovanni Montebello, libellas fere septingentas, oneribus immunes attingunt. Dismembrata paroecia huiusmodi reditus.

[*Latin ed. p. 368*]

368 FROM THE DECREES OF THE COUNCIL, parish priests shall increase the offerings suitably given by the faithful, and thus there will be means to suitably provide for the adornment of the sacred rites. The advocate concludes by noting that, in this case, having been granted a division, it can easily be brought to completion. For as far as ecclesiastical authority is concerned, the boundaries of the parish to be divided, through public roads, have been established since the year 1747, when a chapel was erected in the town of S. Giovanni Montebello. – However, certain arguments persuade that civil approval will not be lacking, where the division has been granted by the Church. The question is: Is there a reason for a division in this case? Answer: Affirmative, provided that the original parish of the archpriest of the place of Giarre retains its status, with some sign of deference. BERGAMO. DISPENSATION FROM IRREGULARITY. November 21, 1903. This cause for a dispensation from irregularity due to a bodily defect was proposed through summary petitions, concerning the obtaining of a grace, in the general meetings of November 21, 1903, and the response given to the petitioner for the grace was: "Having considered all things, it does not seem expedient." Samuel Gotti, a student of the Seminary of Bergamo, having suffered from a contracted illness, was forced to undergo the amputation of both feet. However, this defect is compensated for by the application of an automatic instrument to the knees, so that, according to the testimony of the attending physicians, he can move and walk comfortably. – Desiring to dedicate himself to ecclesiastical service, the aforementioned young man presented a petition to the Congregation of the Holy Council, requesting a dispensation from the contracted irregularity.

[*Latin ed. p. 369*]

BERGAMO. 369 Quod il celebrante irregolare sia senza dubbio: ciò infatti può essere chiaramente dedotto dal capitolo "De Presbytero aegrotante" [Sul presbitero malato], in cui a un sacerdote a cui era stata amputata la metà della mano con due dita, non è permessa la celebrazione della Messa "perché non ci fidiamo che, a causa della debolezza, possa farlo senza difficoltà, né senza scandalo a causa della deformità". Da ciò, afferma Pirhing nel *Ius canonicum*, libro 3, nel commentario a questo capitolo, "si deduce che ci sono due cause generali che introducono l'irregolarità,

Translated by churchlatin.ai, a product of Boyne Archives

o che rendono incapaci di esercitare il ministero sacerdotale, in tutto o in parte, di cui ciascuna, da sola, è sufficiente, vale a dire a causa della debolezza, per la quale è impedito il dovuto esercizio dell'ordine, o a causa di una deformità notevole, che provoca scandalo o un certo orrore a coloro che osservano". È vero che queste due condizioni si verificano nell'infelice celebrante, come risulta dalla relazione del Vescovo di Bergamo al Sacro Concilio, in cui egli testimonia: "l'alunno Gotti non può compiere le cerimonie del Sacrosanto Sacrificio senza suscitare una certa ammirazione, soprattutto quando sale o scende dall'altare; né il celebrante può rivolgersi dall'altare al popolo senza appoggiare il braccio sinistro sullo stesso altare." Piuttosto, nel caso in questione, è necessario considerare se siano presenti cause proporzionate per una benigna dispensa dall'irregolarità sopra menzionata. Ma nel caso in questione, sembrano esserci diversi ostacoli alla concessione della grazia. Innanzitutto, si tratta di un grave difetto degli arti, precisamente di un difetto di entrambi i piedi, che, a causa della notevole deformità, può generare un grave scandalo e ammirazione tra i fedeli. Inoltre, il Sacro Concilio ha negato la dispensa in casi più lievi, come si può vedere nella dispensa di Padova del 27 aprile 1861, a causa di una deformità nella mano destra, sebbene il celebrante avesse il mignolo e il pollice integri; nella dispensa di Pamplona del 22 novembre 1856, a causa di un difetto nella mano sinistra; e nella dispensa di Policastro sull'irregolarità del 21 marzo 1863. *Acta*, Tomo XXXVI, fase CDXXYI, 21.

[*Latin ed. p. 370*]

370 From the decrees of the Council, it is added that this concerns not a priest who already possesses the right to exercise his office, but a cleric being promoted, in which case such dispensations are usually more difficult to grant. Moreover, the cleric is not endowed with extraordinary talents that might, in some way, compensate for a physical defect and render him of great utility to the Church, but he possesses only ordinary intellectual gifts, as stated by the Rector of the Seminary of Bergamo. However, it must be considered that the reason or cause for the irregularity lies in the defect itself, whether that defect is such that it impedes the exercise of the office, or whether it causes scandal and dismay among the Christian people. — Furthermore, this can also be inferred from what Alexander III writes in chapter 1 of *De corpore vitae*: "We respond that, since he has not lost so much of his finger that he cannot solemnly celebrate without causing scandal, you can permit him to minister in his order." And concerning a cleric being promoted to whom, by chance, the nail of his right thumb had been torn off in the same chapter: "We command that, if he is capable of breaking the bread for the Eucharist with his thumb, and if no other canonical impediment exists, you should not prevent him from being promoted to the order of the priesthood because of such a deformity." Therefore, when the two aforementioned extreme cases are absent, it seems rather to be a

Translated by churchlatin.ai, a product of Boyne Archives

defect of a material rather than a formal irregularity, as is taught in Milan. The dispensation from the irregularity was granted on April 14, 1894. Now, concerning the cleric Cotti, despite the aforementioned defect: 1. He is able to perform the sacred ceremonies of the Mass. Indeed, the Ordinary of Bergamo states in the aforementioned report: "There is no real danger and no true irreverence in performing the sacred ceremonies of the Sacrifice." Moreover, the doctor Longhi, after testifying that "it is almost impossible for the disease to recur," adds that "with the passage of time, walking will become easier, and all other actions will be secure."

[*Latin ed. p. 371*]

BERGAMO. 371, "due to the increased confidence of the Oratorian in the orthopedic instrument." 2. No fear should be felt in the people regarding admiration arising from such a promotion. - Although the Bishop testifies that "some admiration arises in the people, especially when the cleric ascends or descends the altar, and when he turns to the people saying 'Dominus vobiscum, Orate fratres'," it is most certain that this admiration will vanish with the passage of time, both because of the easier and more perfect use of the automatic instrument acquired by the Oratorian, and because of the people's habit of seeing the Oratorian in the celebration of Mass, from the well-known axiom "from the accustomed, no passion arises." Nor are there lacking grave and reasonable reasons to overcome this impediment. Firstly, there is the favorable opinion of the Ordinary recommending the Oratorian's request for consideration by the Holy See; there are also the testimonies of the parish priest of the Oratorian's town and the Rector of the Seminary of Bergamo, who unanimously testify to the Oratorian's purity of morals, his devotion to the ecclesiastical state, and his sufficient capacity for pursuing sacred studies. Furthermore, utility and necessity to the Church also suggest the dispensation: for today, there are few young men who embrace the sacred military order; therefore, the pious Mother Church often relaxes somewhat from her former strictness in granting such dispensations; hence, when there are young men of good character, distinguished by intelligence and virtue, this dispensation is granted; for indeed, when the faithful see the example of good morals, they are not so concerned about a bodily defect. Finally, contrary to the objection that this concerns not a priest already promoted, but a cleric being promoted, countless dispensations could be cited from the Sacred Congregation regarding irregularities arising from a serious bodily defect; indeed, many of these are even recent and have some affinity with the present case. - Thus, it was dispensed in Bergamo. The dispensation from the irregularity of June 13, 1868.

[*Latin ed. p. 372*]

372 From the acts of the Holy Council: concerning a cleric who, hav-

Translated by churchlatin.ai, a product of Boyne Archives

ing had his left leg amputated, used a mechanical device to facilitate his walking, although he still limped somewhat; in Matelica, on March 5, 1866, although in that case it concerned a religious cleric who had made solemn vows; in Adrien, on December 11, 1875, in which the promotion to the orders of a certain cleric was considered, to whom the leg and part of the hip had been amputated, and who therefore used a wooden crutch for walking; and in Milan, on April 14, 1894, concerning a cleric who, as a consequence of illness, had undergone the amputation of his left leg: he was provided with a wooden leg that received movement from an orthopedic device, so that he could ascend and descend from the altar, although he experienced some difficulty when kneeling. However, after considering all the circumstances, the Most Eminent and Reverend Fathers judged that the circumstances in the proposed case did not concur to suggest that the prayers of the petitioner should be favorably received, and therefore, on November 21, 1903, a decree was issued: "Nothing is to be done."

SUMMARY OF CAUSES: On December 19, 1903, the Sacred Congregation was held in the Apostolic Palace at the Vatican, in which, among other things, the following causes were proposed, according to the custom of the same Holy Congregation, to be discussed; and which were resolved as follows:

BY SUMMARY OF PRAYERS:

I. VITERBO - FOR JUBILEE. R. Granted, with the usual conditions, the obligation of Masses being observed.

II. COMO - RESTORATION OF THE ARCHIDIACONATE. (Reserved). R. Decided, taking into account also the declarations of the petitioners.

[*Latin ed. p. 373*]

SUMMARY OF CAUSES 373 I, III. CASSANEN. - INTERPRETATION OF THE DECREE. R. It is to be maintained as before, regarding the direction of the goods. IN FOLIO I. VERSAILLES, OR PARIS. - NULLITY OF MARRIAGE. R. Considering the newly presented arguments, it is necessary to retract from the previous decisions. II. PARIS. - NULLITY OF MARRIAGE. R. III. The sentence is to be confirmed. VARSOVIA (in secret). R. Affirmative in mind. IV. - DISPENSATION FOR MARRIAGE. And it is to be written to the Archbishop of MOHILOV. - DISPENSATION (in secret). R. Affirmative in mind. V. And it is to be written (Sub-) regarding MARRIAGE. (Sub- to the Archbishop of POSNANIA. - DISPENSATION FOR MARRIAGE. (In secret). R. Delayed and in mind. VI. ANDRIEN. - REGARDING THE APPROPRIATE PARISH. (Reserved). R. The parish priests are to be maintained in possession and administration, and in mind, and furthermore. VII. ANDRIEN. - REGARDING THE PRESBYTERY. R. REGARDING THE OFFERING

Translated by churchlatin.ai, a product of Boyne Archives

OF THE CANONICAL ARCHPRIEST. (Reserved). The archpriest is to be maintained in possession and administration, and in mind, and furthermore.

[*Latin ed. p. 374*]

574 FROM THE SACRED CONGREGATION FOR RITES. DOUBTS concerning certain absolutions and Masses for the Dead. The Most Reverend Ordinary of the diocese of Pharen, having reverently requested an opinion from the Sacred Congregation for Rites: I. Whether the absolutions which are performed at the obsequies of the Supreme Pontiff, an Ordinary Bishop, or an Emperor, etc., according to the *Caeremoniale Episcoporum* and the *Pontificale Romanum*, are to be performed by dignitaries and in the cathedral church, or also by a simple priest, whether secular or regular, and in other churches? II. Whether the rubrics and decrees concerning privileged Masses for the Dead apply also to Masses for the Dead which are celebrated for the Supreme Pontiff, an Ordinary Bishop, or an Emperor, etc., so that these latter Masses do not enjoy any special privilege on days prohibited by the rubrics or decrees? And the Sacred Congregation for Rites, after considering the matter with the undersigned Secretary, having heard the opinion of the Liturgical Commission, and having carefully considered all things, decided to respond as follows: To I. These absolutions must be performed by dignitaries and in the cathedral church, or in another church chosen by the Ordinary, if the cathedral church is hindered. In other churches, however, they are not to be performed by simple priests, unless with an Apostolic indult (1). (i) These absolutions, being pontifical functions, are to be performed by dignitaries and in the cathedral church. If the cathedral church is hindered, then it pertains to the Bishop to choose another church at his discretion. This is also evident from decree no. 2306 of Amiens, paragraphs I and II, which is of this tenor: "I. Whether the obsequies of Supreme Pontiffs, Kings, Dukes, Great Princes, and the like, ought to be performed as pontifical functions in the metropolitan church; or, in its place, in the Church of the Franciscan Fathers?" II. "In the case that one of these churches is hindered in some way, does the choice of another church pertain to the Archbishop or the Chapter; or rather, to the Consuls of the city?" And the Sacred Congregation for Rites, on February 15, 1727, decided to respond: "To I. Regarding the first part, affirmatively; regarding the second, it is to be left to the discretion of the Archbishop." "To II. As provided in the first [paragraph]."

[*Latin ed. p. 375*]

FROM THE SACRED RITUALS, 575, To Section II, Affirmative (1). And thus it was written, on November 20, 1903. S. CARDINAL CRETONI, Prefect of the Sacred Congregation. * S. f D. PANICI, Archbishop of Laodicea, Secretary. COTRONEN. Concerning the manner of bringing the Holy Vi-

Translated by churchlatin.ai, a product of Boyne Archives

aticum to the sick. Most Reverend Lord Emmanuel Merra, Bishop of Cotronen, in a report concerning the state of his Church, or Diocese, presented to the Congregation of the Council on November 23, 1903, and having transmitted the following request to the Congregation of Sacred Rites for a suitable declaration, reverently proposed the following: In the entire Diocese of Cotronen, the custom is found of bringing the Sacred Viaticum to the sick by the parish priest, accompanied by a large number, not of confratres, but of women, who carry an umbrella and a veil, ring a bell, and recite the Rosary. The question is asked: Can this custom be tolerated? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and with the careful opinion of the Liturgical Commission, decided to respond as follows: "Negatively, and, to the mind [of the Congregation]." The intention is that the parish priest should, at least, employ some young people for the umbrella, the bell, and the lights. However, if women wish to carry the lights, they should follow the priest. And thus it was written, on December 2, 1903. S. CARDINAL CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) Such Masses do not enjoy any privilege; therefore, they are subject to the common laws, which indeed prohibit non-privileged Masses of Requiem on feast days and on days of multiple Masses.

[*Latin ed. p. 376*]

376 FROM THE DECREE OF SACRED RITES. An external or titular bishop cannot celebrate solemn Masses and Vespers, using a faldstool and pontifical vestments, unless with the permission of the Ordinary. Since in the Council of Trent, Session VI, chapter V, it is not permitted to any bishop to exercise pontifical functions in a foreign diocese, unless with the express permission of the Ordinary; some have doubted whether, among the pontifical functions of which the aforementioned Council speaks, are included solemn Masses and Vespers, which an external bishop is accustomed to celebrate in Rome and elsewhere, seated in a faldstool and not using a pastoral staff, but wearing pontifical vestments. Therefore, the Sacred Congregation of Rites was consulted: Can an external or titular bishop, without consulting the diocesan Ordinary, and in his titular church, celebrate pontifical Masses and Vespers in the aforementioned manner, that is, seated in a faldstool, not using a pastoral staff, but wearing pontifical vestments? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, the careful opinion of the Liturgical Commission, and all things accurately, decided to respond: "No, also according to Decree No. 2283 of Ascoli, April 10, 1728, sections VII and VIII" (1). And thus it responded, on December 4, 1903. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) Concerning the doubts cited above: "VII. Is it permissible for a titular bishop celebrating Masses and Vespers, as if he were a canon in his own week, to use a faldstool and

Translated by churchlatin.ai, a product of Boyne Archives

pontifical vestments; or rather, must he celebrate them seated in a bench, as do the other canons, and without pontifical vestments? And to the extent that it is affirmative regarding the first part; VIII. In such a case, is he bound to ask permission from the local bishop?" And the Sacred Congregation of Rites decided to respond: "...to VII. It is intended that, in Masses celebrated in Tournon, he abstain and substitute another; however, in more solemn ones, he may do so, with the permission of the bishop. "To VIII. Provision has already been made..."

[*Latin ed. p. 377*]

FROM THE HOLY CONGREGATION FOR INDULGENCES AND HOLY RELICS, a DECREE concerning Indulgences for Tertiaries living in community and those who pronounce simple vows. Many doubts have been presented to this Sacred Congregation, which presides over Indulgences and Holy Relics, concerning the relationship of Tertiaries, both those living in community and those who pronounce simple vows, to their respective regular Orders with regard to Indulgences and spiritual graces. These doubts arose after Pope Leo XIII, of blessed memory, granted special Indulgences to certain Tertiaries, both of the Franciscan Order and of the Order of the Servants of the Most Blessed Virgin Mary, who live in the world, abolishing all other Indulgences previously granted to these Tertiary Orders. It is true that the Sacred Congregation, in its Norms for the approval of these Institutes (Section I, § 11, No. 16), has established: "Tertiary Institutes shall not be approved unless they are incorporated into their own respective Tertiary Orders by their General Superiors, from whom they derive their name and habit, and are admitted to participate in Indulgences and spiritual graces, as far as it is permissible to grant them." However, these last words, as is evident, have left the present question still somewhat ambiguous. Therefore, in order that so many Tertiaries of both sexes from these Institutes, who have deserved well of the Catholic cause through their example and works, may not be deprived of certain Indulgences for a longer time, the following question was posed: "Whether, by a general decree from the Apostolic See, Indulgences proper to the first and second Orders should be granted to all Tertiary Institutes of those living in community and those who pronounce simple vows?" And the Eminent Fathers, assembled in the General Congregation at Vatican on August 18, 1903, answered: "Affirmatively." After a report was made to His Most Holy Father Pope Pius X in an audience held on the 28th day of the same month and year by the undersigned Cardinal Prefect, His Holiness, together with the Fathers Cardinals.

[*Latin ed. p. 378*]

378 From the Sacred Congregation for Indulgences, a response was approved and confirmed, and it was decreed: firstly, that the Institutes of the

Translated by churchlatin.ai, a product of Boyne Archives

Third Orders, those living in community and making simple vows, provided that they are legitimately incorporated into the Orders from which they derive their name and habit, shall participate in all the Indulgences granted directly by the Holy Fathers of the First and Second Orders; secondly, that the same Indulgences shall be enjoyed by these Institutes, just as the respective First and Second Orders enjoy them; thirdly, that other Indulgences of this kind previously granted to these Third Orders shall henceforth belong only to those of the Third Orders living in the world. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 28th of August, 1903. A. Card. TRIPEPI, Prefect. In place of the Seal. For the Reverend Father D. Franc. Sogaro, Archbishop of Amid, Secretary, Joseph M. Can. Coselli, Substitute.

FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS. In LIMANA, the Minor Order grants Indulgences to the members of the Third Franciscan Order for nocturnal adoration of the Most Holy Sacrament in the church of the Blessed Virgin of Miracles.

Most Blessed Father, the Superior of the Franciscan Church called "of the Blessed Virgin of Miracles," located in the city of Lima, in the Republic of Peru, humbly presents the following to Your Holiness: In order that the spirit of fervor may increase daily among the members of the Third Franciscan Order, and that the injuries to the Divine Majesty offered daily...

[*Latin ed. p. 379*]

From the Most Holy Congregation of Extraordinary Ecclesiastical Affairs, 379: The Brothers of the Order of Friars Minor, devoted to the Franciscan Apostolate, have instituted, for the nocturnal Adoration of the Most Holy Sacrament, in the aforementioned Church, according to the following regulations: Members of the Third Order shall alternate, on every fifth weekday and on Sundays, from the sixth hour after midday until the twelfth hour, in the Adoration of the same Most Holy Sacrament; and, with the Most Holy Sacrament solemnly exposed with the permission of the Ordinary, they shall also remain throughout the entire last night of each year and on the first day of the following year, in which the anniversary of the founding of the Apostolate is celebrated with a general Communion and a solemn Mass. Now, for the greater increase of this most pious work or institution, the following Indulgences are earnestly requested from the Holy See: I. A Plenary Indulgence, to be granted to the members on the day in which they are enrolled in the Apostolate. II. A Plenary Indulgence, to be granted to all the faithful, even if they are not enrolled in the Apostolate, who, for at least three hours each year, participate in the aforementioned Adoration of the Most Holy Sacrament, from the sixth hour after midday on December 31st to the tenth hour before midday on January 1st. III. An Indulgence of 300 days, to be

Translated by churchlatin.ai, a product of Boyne Archives

granted to the members each time they fulfill the Adoration of the Most Holy Sacrament, as assigned to them. And God, etc. In Rome, at Saint Anthony, on November 5, 1903. F. BONAVENTURA MARRANI, General Procurator. With the approval of the Most Holy Father, on November 17, 1903, the Most Holy Lord Pope Pius, through divine Providence, Pontiff, with the reference of the aforementioned Secretary of the Most Holy Congregation of Extraordinary Ecclesiastical Affairs, graciously granted, according to the petitions, for the next five years. Notwithstanding any objections to the contrary. Given in Rome, from the Secretariat of the aforementioned Most Holy Congregation, on the day, month, and year mentioned above. L. "S. f." PETRUS, Archbishop, Secretary.

[*Latin ed. p. 380*]

380 FROM THE SUPREME GENERAL, EXTRAORDINARY FACULTIES FOR THE MINOR ORDERS FOR CAPUCHIN MISSIONARIES IN HOLLAND ARE EXTENDED FOR FIVE YEARS. Most Blessed Father, The undersigned General Procurator of the Capuchin Minor Brothers, humbly prostrate at the feet of Your Holiness, earnestly implores a new extension of the faculties which were granted to the Reverend Minister of the Capuchin Province of Saint Charles, for the Mission of the Order, in the place called Maoanhao in Brazil (South America), for Missionaries, for a period of five years, first on January 12, 1892, and then extended on September 7, 1898. And God, etc. The faculties are as follows: I. To dispense, by way of journey and in places where necessity or the inconveniences of health require it, from flesh, eggs, and dairy products, on days of fasting, and from those prescribed by their own Rule, so that, because of the inconveniences of health, they may remain exempt from the observance of fasting. II. To recite fifteen decades of the Rosary of the Blessed Virgin Mary, if at any time, due to a journey or other cause, they are unable to recite the Divine Office without serious inconvenience. III. To celebrate Mass at sea, upon a portable altar, observing all due reverence. IV. To celebrate Mass likewise on land, upon a portable altar, observing all due reverence. V. To perform the Sacred Office either one hour before dawn, or one hour after midday, when a legitimate reason arises. VI. A personal, perpetual Indult to use the altar of privilege three times a week, observing all due reverence. VII. To bless, outside the city, prayer crowns, rosaries, crosses, and sacred medals, and to apply to them the customary Indulgences and those of Saint Bridget. Also, to bless and bestow the sacred scapulars of all pious Congregations and Confraternities approved by the Holy See, along with the relative Indulgences granted. VIII. To impart the Benediction with a plenary Indulgence to the faithful who are in articulo mortis. IX. To wear the interior tunic and to use

Translated by churchlatin.ai, a product of Boyne Archives

shoes, when a present necessity arises.

[*Latin ed. p. 381*]

FROM THE HOLY CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS, 381 X. Concerning the use of horses or other means for traveling when urgent necessity arises. X I. To receive, expend, and distribute money, which has been offered to him by pious benefactors, or which has reached him through other legitimate means, for his own urgent needs and those of his subordinates, if it is not possible to provide for these necessities in any other way, and to avoid, above all, the danger of accumulating a private fortune, in accordance with the prescriptions of the Statutes of the Order. Regarding this matter, etc. Fr. IUCUNDUS A MONTORIO, Order of the Minor Friars, General Procurator. From the Audience of His Holiness, on December 1, 1903. His Holiness, our Lord Pius, by divine Providence, Pope X, having been informed by the undersigned Secretary of the Holy Congregation for Extraordinary Ecclesial Affairs, has deigned to graciously extend for another five years the faculties mentioned above, in form and with the same terms as the previous grant. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the aforementioned Holy Congregation, on the day, month, and year mentioned above. L. & S. f PETRUS, Archbishop, Secretary of the ORDER OF THE MINOR FRIARS. Indulgences for the Brothers Minor. Most Blessed Father, the Minister Provincial of St. Dionysius, of the Order of the Minor Friars in France, humbly prostrates himself before Your Holiness, and begs that you would not refuse to grant these opportune and necessary faculties, namely: I. That in the new residence located in Ehrestein, within the Province of Limburg, which is near Blyreheide, and which has been established for the perpetual and costly restoration of the Seraphic College, all religious residing or serving there, as well as himself,

[*Latin ed. p. 382*]

382 FROM SAINT CAYSIUS. ECCLESIASTICAL EXTRAORDINARY MATTERS: That young men, as if students residing there, may, with the approval of the Bishop of Roermond, enjoy all the indulgences granted to the churches of the Seraphic Order within the chapel of the house. II. That Religious, both priests and laity, who, after the violent suppression of their convents, remain under the obedience of their Superiors in Gallus, may, provided the required conditions are met, obtain all and each of the indulgences that are attributed to the Order of the Friars Minor, either in their own private chapels or in any public church or oratory. And God, etc. From the Audience of His Holiness, on December 1, 1903. His Holiness, our Lord Pius, with divine Providence, Pope X, having been informed by the undersigned Secretary of the Holy Congregation for Extraordinary Ecclesiastical Affairs, deigned graciously to grant the requested favor, with

Translated by churchlatin.ai, a product of Boyne Archives

the legally required conditions observed. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the aforementioned Holy Congregation, on the day, month, and year mentioned above. L. © S. f. PETER, Archbishop, Secretary.

TO THE SISTERS OF SAINT THERESA: A perpetual indulgence is granted to the communities of Sisters of Saint Theresa in America, to receive the Holy Communion on the night of the Nativity of Our Lord Jesus Christ.

Most Blessed Father, Helen Eleuteria of Jesus Sacrament, Superior General of the Sisters of the College and Orphanage of Saint Theresa, in the diocese of Córdoba, in America, humbly prostrates herself before Your Holiness, and requests that a perpetual indulgence be graciously granted to the communities of sisters of said Institute, so that they may receive the Holy Communion on the night of the Most Holy Nativity of the Lord. For which grace, etc. H. ELEUTERIA OF JESUS SACRAMENT. Prayers commended in the Lord. PHILEMON CABANILLAS, General.

[*Latin ed. p. 383*]

FROM THE VICARIATE OF THE CITY 383 From the Audience of His Holiness, on December 1st, 1903. His Holiness, our Lord Pius, by divine Providence, Pope X, having been informed by the undersigned Secretary of the Most Holy Congregation for Extraordinary Ecclesiastical Affairs, has deigned graciously to grant the indulgence mentioned above, with the consent of the Ordinaries of the places where said Communities are located, and with the caution that all things be done with due decency and reverence. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the aforementioned Most Holy Congregation, on the day, month, and year mentioned above. L. © S. f PETRUS, Archbishop, Secretary. FROM THE VICARIATE OF THE CITY, CIRCULAR LETTER From the Most Eminent Cardinal Respighi, Vicar General, to all Superiors of the City, concerning the restoration of sacred music. As we transmit a copy of the Motu Proprio of His Holiness, our Lord Pope Pius X, dated November 22nd (1), and a copy of the Letter addressed to us by the same Holiness on December 8th of the current year (2) – concerning the Restoration of Sacred Music – we deem it important to point out how, in the aforementioned letter, the needs that are most keenly felt on this subject in our Rome are especially mentioned, where the faithful, coming from every part of the world, must draw, as from a purer source, good examples, instruction, and norms. The provisions contained in the Motu Proprio are so clear and explicit that no one, even those unfamiliar with the technical aspects of musical art, can reasonably doubt the choice of compositions and the manner in which they should be performed in the sacred temples. We also wish to state that we have entrusted the Roman Commission for Sacred Music, which we established in January 1901, with the task of assisting us

Translated by churchlatin.ai, a product of Boyne Archives

in rigorous oversight; and that, taking advantage of the work and prudent judgments of said Commission (1) Which we presented on page 529 of this volume. (2) Also, page 325.

[*Latin ed. p. 384*]

384 From the VICARIATE OF THE CITY, we shall, as occasion arises, implement those practical measures that may be necessary in individual cases, so that the wise decrees of His Holiness may be fully and universally observed. Furthermore, according to the desire of the Holy Father, we shall pay particular attention to Seminaries, Colleges, and Institutes of ecclesiastical education, it being of great importance that the young clergy, from their earliest years, be educated, as in all other disciplines, so also in singing and sacred music, with principles and criteria that are entirely sound and appropriate. We have no doubt that the Reverent Parish Priests and Rectors of Churches, the Reverent Superiors of Seminaries, Colleges, and Institutes of ecclesiastical education, the entire Secular and Regular Clergy, and also the Church Masters and Chanters, with their good will and effective cooperation, will readily assist us in achieving the desired goal, so that we may never be forced to resort to severe disciplinary measures. With this hope, we invoke the blessing of the Lord upon all. From Our Residence, December 29, 1903. PIETRO CARDINAL, VICAR.

The Roman Commission for Sacred Music is composed of the following gentlemen:

1. Reverend Monsignor Lorenzo Perosi, Perpetual Director of the Sistine Chapel.

2. Monsignor Cao. Filippo Capocci, Director and Organist of the Chapel of the Archbasilica of the Lateran.

3. Reverend Father Calcedonio Mancini, priest of the diocese of m., Consultor of the Sacred Congregation of Rites and Secretary of the Liturgical Commission.

4. Baron Rodolfo Kanzler, Professor of Gregorian Chant at the Liceo di S. Cecilia and Secretary of the Pontifical Commission of Sacred Archaeology.

5. Knight Alessandro Parisotti, Professor of Harmony and Secretary of the Musical Lyceum and the Academy of S. Cecilia.

6. Reverend Father Antonio Relia, Professor of Gregorian Chant.

7. Monsignor Filippo Mattoni, Chanter of the Papal Choir in St. Peter's.

Reverend Monsignor Lorenzo Perosi and Reverend Father Antonio Relia are especially responsible for the supervision of Gregorian chant in Seminaries, Colleges, and ecclesiastical educational institutions.

[*Latin ed. p. 385*]

385 DECREE OF THE ROMAN PONTIFF BY MOTU PROPRIO Concerning the Election of Bishops to be Brought Before the Supreme Sacred

Translated by churchlatin.ai, a product of Boyne Archives

Congregation of the Holy Office.

PIUS PP. X. It has always been the greatest concern of the Roman Pontiffs that such pastors be appointed to each church throughout the world who are thoroughly learned and possess the strength to bear the burden, a burden which even the shoulders of angels might fear. Consequently, from ancient times, many decrees have been upon issued, by which either new norms are provided for the happy selection of bishops, or the observance of already established regulations is urged. Among these, we deem worthy of special mention those which, before the Holy Council of Trent, the Supreme Pontiff Leo X (1), and after that Council, Sixtus V (2), Gregory XIV (3), and Urban VIII (4), most wisely established concerning the qualities of those to be promoted and the manner in which such promotion should be carried out; nevertheless, we wish, above all, to recall those decrees which were issued by our predecessors of pious memory, Benedict XIV (5) and Leo XIII (6). The former, lamenting that the method in this most important matter, which had been established by his predecessor, was gradually falling into disuse, and intending to restore it, from the first year of his pontificate, established a special Congregation of the Sacred Roman Church, by the Constitution "Immortalis memoriae," which would diligently devote its efforts to the promotion of those to be appointed to the dioceses of Italy, while preserving the form and manner in all matters of the election and confirmation of bishops in foreign regions, as hitherto observed by the Holy See.

(1) Bull "Supernae dispositionis" issued on May 3rd, 1514.

(2) Bull "Immensa" issued on January 11th, 1587.

(3) Bull "Onus" issued on May 1st, 1591.

(4) Instruction concerning the manner of observing the prescriptions of the Council of Trent, and the Constitution "Onus" of Gregory XIV, in proceedings for the election of bishops, issued in the year 1627. — In the Council of Trent, this matter is discussed in session VII, chapter I; session XXIV, chapter 2; session XXV, chapter I.

(5) Bull "Ad Apostolicae" issued on November 16th, 1740, and "Gravissimum" issued on January 18th, 1757.

(6) Bull "Immortalis memoriae" issued on October 11th, 1878.

Acts, Volume XXXVI, page CDXXVII-25.

[*Latin ed. p. 386*]

386 BY A PAPAL ACT, having experienced the salutary effects of this institution, and while, albeit unwillingly, undertaking the governance of the universal Church, with God's help, we intend to devote ourselves to perfecting and promoting it. For this purpose, We decree and ordain that the aforementioned Congregation, founded by Leo XIII for the selection of Bishops in Italy, be joined with the Most Holy Congregation of the Holy

Translated by churchlatin.ai, a product of Boyne Archives

Office, to which We ourselves immediately preside, and that, while preserving in their entirety the reasons and procedures that are observed in the election of Bishops for the places subject to the Sacred Congregations of Propaganda Fide and of Extraordinary Ecclesiastical Affairs, or where particular Constitutions or Concordats govern, in the present case, the selection and promotion of all other Bishops shall be referred to the same Most Holy Congregation of the Holy Office, as if it were a matter proper to that body. And since it is the duty of this Congregation that its members and officials be bound to faithfully perform their duties and to maintain inviolable and complete secrecy in all things and with all, under pain of incurring excommunication *majoris latae sententiae*, by this very fact and without further declaration, from which they can only be absolved by Us and by Our successors, the Roman Pontiffs, for the time being, and even the Most Reverend Cardinal Penitentiary, except in articulo mortis; We likewise intend and expressly declare that all and each, whatever their dignity and eminence may be, who, in any way, by reason or by title, are involved in the business of selecting Bishops through the aforementioned Most Holy Congregation of the Holy Office, shall be bound by the same obligations and under the same penalties and sanctions. In order that the aforementioned Most Holy Congregation may have a certain and constant rule in this most important undertaking; We have taken care to describe, in a suitable Instruction, the method to be followed in this matter; in which, in addition to those things that We have established regarding the thorough investigation to be made concerning the faith, life, morals, and prudence of those being promoted, We completely revive the prohibition concerning doctrine that must be observed by those being promoted, taking into account the prescriptions of St. Charles Borromeo in the Council of Provincial Fathers of Milan, I, p. 2. And that all these things may be fully carried out by the aforementioned Most Holy Congregation of the Holy Office, We finally command.

[*Latin ed. p. 387*]

BY PAPAL ACT 587, addressed to those to whom it pertains, namely, Episcopal Sees, as mentioned above, with the exception of those already mentioned, the vacancy of the same shall, in the future, be notified to the Cardinal Secretary thereof, in writing, in the most direct and proper manner. We decree, declare, and establish this, notwithstanding any contrary provisions. Given in Rome, at St. Peter's, on the seventeenth day of December, in the year 1903, in the first year of Our Pontificate. PIUS PP. X. BY PAPAL ACT, of the Most Holy Pope Pius X, concerning sacred music. (Faithful Version) (1) POPE PIUS X. Among the many concerns of pastoral office, not only of this Supreme See, to which we have been recently drawn, albeit undeservedly, by the hidden will of God, but also of individual churches, there is undoubtedly one that holds the foremost place, namely, the duty

Translated by churchlatin.ai, a product of Boyne Archives

of promoting the beauty of the house of God, in which both divine mysteries are performed and the flock of the faithful gathers together to partake of the Sacraments, to offer prayers, and to celebrate the Mass, to adore the Sacrament of Our Lord, and to participate in the public and solemn liturgical office of the Church. Therefore, nothing should be present in the temple that might disturb or diminish the piety and religion of the faithful, nothing that might be offensive or a bad example, and especially nothing that might offend the dignity and sanctity of the Holy Rites, and therefore be unworthy of the house of prayer and the majesty of God. We shall not individually discuss the various abuses that may occur. But now, we bring to the forefront that particular abuse, which occurs very frequently and which seems to be the most difficult to eliminate; indeed, it is sometimes to be reprehended even when all other things are worthy of praise, namely, the beauty of the church, the order of the ceremonies, the number of clergy present, the piety, and the religiousness of those celebrating. This great abuse is found in singing and sacred music. (1) The official text, translated into Italian, is found in this very volume, page 329.

[*Latin ed. p. 388*]

388. MOTU PROPRIO. For indeed, whether it be the fluctuating and varied nature of this art itself, or the distortions brought about by the passage of years, or the corrupting influence by which profane and theatrical elements flow into that which rightly deserves to be called sacred, or the pleasure which is directly derived from music and which cannot easily be contained within due limits, or finally, the multitude of errors which abound in this art, even among some men endowed with authority and conspicuous for their piety, a sin is committed against the law which demands that the sacred rites be accompanied by appropriate music; a law which is often and clearly laid down in the canons of the Church, in the decrees of Councils, whether general or provincial, and in the decrees of the Holy Roman Congregations and of the Holy Pontiffs. But it seems that something good has been accomplished in recent times, both in this venerable City and in many churches of our Italy; especially in certain nations, where outstanding men, zealous in religion, with the approval of this Supreme See and under the guidance of their Ordinaries, have diligently striven to ensure that music flourishes in every church and sanctuary. But this good, as we have observed, is not found among all peoples. For, considering the numerous complaints which have been brought to our ears during this brief period in which it has pleased the Lord to raise us to the highest pinnacle of the Pontificate, we have judged it necessary to postpone no longer, but to clearly and openly condemn as reprehensible everything that is contrary to the law which we have explained above. For nothing is more pleasing to us, and we earnestly desire nothing more, than that the virtue of the Christian religion may flourish and be strengthened in all the faithful;

Translated by churchlatin.ai, a product of Boyne Archives

and therefore, provision must be made for the proper adornment of the temples, where Christians gather together, so that they may enjoy the spirit of virtue from its primary source, which is the participation in the divine mysteries and in the common and solemn prayers of the Church. But in vain do we hope that a greater grace of heaven will descend upon us, when our piety towards God does not ascend to heaven like a sweet fragrance, but rather, the Lord again inflicts lashes upon us, with which Jesus Christ once drove out those who were unworthy from the temple. Therefore, let no one introduce their own ignorance, and let all hesitation be removed from the interpretation of certain matters; we have considered it necessary to briefly expound the principles which govern sacred music, and to collect in this table the principal decrees of the Church concerning the abuses in this discipline which must be avoided.

[*Latin ed. p. 389*]

BY PAPAL ACT 389 Therefore, with certain knowledge and by papal act, we publish this Instruction of ours, which, pleasing in its entirety and endowed with the fullness of Our Apostolic Authority, we decree to be observed and to be of force, and we command that all the faithful observe it scrupulously.

INSTRUCTION ON SACRED MUSIC

I. General Principles.

1. Sacred music, as an integral part of the solemn liturgy, shares in that purpose which regards the glory of God and the sanctification of the faithful. It enhances the beauty of ecclesiastical ceremonies, and, which is its principal function, it should adorn the words of the liturgy with a fitting melody, so that sacred music should render these words more intelligible, so that the faithful may be more easily aroused to faith and piety, and may more abundantly receive the grace which is proper to the sacred mysteries.

2. Consequently, sacred music should be endowed with all the functions of the liturgy, especially with sanctity, goodness of form, and universality. Let it be holy, that is, it should exclude all that is profane, not only in itself, but also in the form in which it is presented by the singers. Let it be an art, so that it may have that power in the minds of those who hear it, which the Church demands of liturgical music. Let it be universal, that is, although each nation may admit those principal modes which constitute the form of its music, these modes must nevertheless be subject to the general laws of sacred music, so that no foreign element may disturb the mind of anyone who hears them.

II. Concerning the Kinds of Sacred Music.

3. These qualities are especially found in Gregorian chant, which is therefore the music of the Roman Church, which it received from its ancestors,

Translated by churchlatin.ai, a product of Boyne Archives

and which it has faithfully preserved in the liturgical books through the ages. This chant, as being proper to it, is offered to the faithful.

[*Latin ed. p. 390*]

590. By various papal decrees, it has been repeatedly commanded in the liturgy, and finally, the most recent studies have restored it to its former dignity and integrity. For these reasons, Gregorian chant has always been considered the best example of sacred music, for it is true that the more a musical composition follows the manner of Gregorian chant, the more sacred and liturgical it is; and the less it resembles that excellent example, the less worthy it is of the temple. Gregorian chant, transmitted by tradition, must be completely restored in the sacred ceremonies, and let all be certain that the sacred liturgy will not lose anything of its solemnity, even if this one music is performed. Especially among the people, Gregorian chant must be restored, so that the faithful, following the example of their ancestors, may once again participate in the sacred liturgy with greater devotion.

4. These qualities, which we have explained above, are best found in classical polyphony, especially that of the Schola Urbana, which Peter Aloysius of Palestrina raised to the stars in the 16th century, and to which he never ceased to dedicate himself. Classical polyphony is perfectly suited as an example of all sacred music, since it is an example of Gregorian chant; therefore, it is accepted along with Gregorian chant in the liturgical ceremonies of the Church, namely, those of the papal chapel. Therefore, it must also be restored in the major basilicas, in cathedrals, in the chapels of seminaries and other religious institutions, which are flourishing with resources.

5. The Catholic Church has always favored the progress of the arts, since it has wished to serve the worship with whatever is good and beautiful that ingenuity has discovered over the years, while preserving the laws of the liturgy. From this, it follows that modern music can also be admitted in churches, provided that it is pleasing and not unworthy of the sacred liturgy. However, since modern music often has a profane purpose, care must be taken that the musical styles admitted in churches do not contain anything theatrical or profane, nor that they adopt foreign forms.

6. Among the genres of modern music, that theatrical style seems least suited for sacred purposes, which recently flourished, especially in Italy. Indeed, by its very nature, it is entirely opposed to Gregorian chant and classical polyphony, and therefore to the laws of sacred music. Moreover, the structure, manner, and so-called conventions of this style are not well suited to the needs of sacred music.

[*Latin ed. p. 391*]

MOTU PROPRIO 391 III. Concerning the liturgical text. 7. The Latin Church uses the Latin language; therefore, it is forbidden to sing anything

Translated by churchlatin.ai, a product of Boyne Archives

in the vernacular during the sacred liturgical rites, especially the variable or common parts of the Mass and the Office. 8. Since each liturgical rite has established texts that may be sung, it is not permitted to disturb this order, nor to substitute other texts for the established ones at will, nor to completely eliminate or diminish them, unless the liturgical rubrics permit the organ to replace certain words of the text that are recited by the choir. However, it is permissible, according to the custom of the Roman Church, to sing a short song (motto) in honor of the Most Holy Sacrament after the Benedictus in the solemn Mass. Finally, we grant that, after the completion of the Offertory of the Mass, a brief song may be sung with words approved by the Church. 9. The liturgical text must be sung exactly as it is in the books, without any alteration or repetition of words, and in a form that is intelligible to the faithful, and the words must not be divided. IV. Concerning the external form of sacred compositions. 10. Each part of the Mass and the Divine Office must preserve in the music the form that ecclesiastical tradition has given to it, which is best found in Gregorian chant. For the Introit, the Gradual, the Antiphon, the Psalm, the Hymn, the Gloria in excelsis, etc., are not composed in the same way. 11. The following must be observed in particular: a) The Kyrie, Gloria, and Credo of the Mass must have the unity of composition that is appropriate to the text. Therefore, it is not permitted to compose the Kyrie, Gloria, etc., in such a way that each of their parts appears to be a perfect musical composition, and that parts can be removed or replaced with other parts. b) In the solemn recitation of Vespers, the Ceremonial of Bishops must be followed, which prescribes Gregorian chant for the psalms, and allows a musical setting (figured music) for the hymn and the verses of the Gloria Patri. However, it is permissible in certain feasts to alternate the Gregorian chant with those that are called *falsabordoni* in the singing of the psalms or to compose the verses in a similar manner.

[*Latin ed. p. 392*]

392. MOTU PROPRIO concerning chants. Finally, it is permissible to sing individual psalms with music on occasion, provided that the proper form of chanting is observed, that is, provided that the singers appear to chant in alternating modes, whether new or taken from Gregorian chant, or similar. Therefore, we prohibit psalms that are sung as "concertos" (di concerto). c) In the hymns of the Church, the form of the traditional hymn must be preserved. Therefore, it is not permitted, for example, to compose "Tantum ergo" in such a way that the first verse appears to be a romance or a ballad, and "Genitori" in a lively tempo. d) Antiphons for Vespers should be sung in Gregorian chant; if they are sung with music, they should not appear to be "concert" melodies, nor should they have the breadth of a song. V. Concerning singers. 12. In addition to the melodies for the celebrant at the altar and the ministers, which must always be sung in

Translated by churchlatin.ai, a product of Boyne Archives

Gregorian chant without an organ, the sequences that exist are the chants of the Levite choir, and therefore, ecclesiastical singers, even if not clerics, perform the function of the ecclesiastical choir. Therefore, the music that is presented must preserve the form of choral music. But the voice is not excluded, but in sacred ceremonies, this should not be to such an extent that the greater part of the liturgical text appears to be presented in this way; rather, a simple melodic indication and composition should adhere more strictly to the choral form. 13. From the same principle, it follows that singers in the church should perform a liturgical function, and therefore, women, since they are not capable of this function, cannot be admitted to the choir or to the musicians. If, however, we wish to use a higher (soprano) or higher-pitched (contralto) voice, then, according to the ancient ecclesiastical custom, these voices should be produced by boys. 14. Finally, only men who are conspicuous for their religion and piety should participate in the ecclesiastical music (cappella di chiesa), who, when present at sacred ceremonies, appear to be worthy of the function they perform. It is fitting that singers, while singing in the church, wear a surplice and cassock; if they are present in public concerts, they should wear cassocks.

[*Latin ed. p. 393*]

MOTU PROPRIO 393 VI. Concerning the organ and musical instruments. 15. Although the proper music of the Church is that which is vocal, it is permitted to use music accompanied by the organ. At times, with due observance of regulations, other musical instruments may be admitted, but with the approval of the Bishop, as the *Caeremoniale Episcoporum* prescribes. 16. It must be ensured that vocal music takes precedence, and that the organ and musical instruments only support it, and do not overwhelm it. 17. It is not permitted to play long preludes, nor to interrupt the singing or the parts between verses. 18. The sound of the organ in the sequences of the singing, in the preludes, interludes, and similar passages, should not only follow the nature of this instrument, but should also participate in all the qualities of sacred music, as we have explained above. 19. The following instruments are not to be used in the church: cymbals (pianoforte), drums (tamburo), bass drums (grancassa), plates (piatti), bells (campanelli), and similar instruments. 20. It is entirely forbidden for those who are called "urban musicians" (bande musicali) to perform in churches; however, with the approval of the Bishop, it may be permissible to admit certain vocal musical instruments, with due consideration, provided that the composition and arrangement are in a solemn style and entirely similar to the style of the organ. 21. In public devotions, it is permissible for the Bishop to allow "urban music," provided that it does not sing profane melodies. It is desirable that, in such cases, "urban music" should accompany some spiritual hymn in Latin or the vernacular, sung by the choir, or by pious congregations who are participating in

Translated by churchlatin.ai, a product of Boyne Archives

the devotion. VII. Concerning the extent of liturgical music. 22. It is not permitted, by reason of singing or the sound of instruments, to cause the priest to wait at the altar longer than the liturgical ceremony requires. According to ecclesiastical decrees, the Holy Mass should be completed before the elevation; therefore, the priest celebrating should also take into account the singing. The *Gloria* and the *Credo* should be sufficiently brief, according to the Gregorian tradition.

[*Latin ed. p. 394*]

394. By a papal decree, it is entirely to be condemned that, for the sake of some perceived advantage, the liturgy should be relegated to a secondary position during sacred ceremonies, as if music were its servant, whereas, on the contrary, it is only a part of the liturgy.

VIII. Concerning the Principal Means.

24. We decree that the following be observed, and bishops, unless they have already done so, should establish within their own dioceses a society (commission) of men experienced in sacred music, who, as the bishop deems most fitting, should have the duty of overseeing the music that is sung in the churches. Furthermore, they should ensure that the music is of the best quality, that the singers are of equal ability, and that it is always sung excellently.

25. In seminaries and in ecclesiastical institutions, according to the decrees of Trent, the Gregorian chant, which has been handed down by tradition, should be cultivated and studied with great diligence, and superiors should encourage the young men in every way. Where it is possible, a Schola Cantorum should be established among the clergy, which will perform sacred polyphony and the best liturgical music.

26. In the daily lectures on liturgy, moral theology, and canon law, with which students of the theological school are instructed, teachers should take care to discuss matters pertaining to sacred music, and to teach the students the beauty of this sacred art, so that the clergy, upon completing their studies, may not lack these essential notions for the service of the Church.

27. Efforts should be made to restore, at least in the principal churches, the ancient Scholae Cantorum, as has already been done in many places. It is not difficult for clergy who are willing to establish these schools even in smaller and rural churches, and indeed, these schools make it easier for boys and young men to be drawn to the priesthood, to their own benefit and to the benefit of the people's faith.

28. Finally, it should be ensured that the higher schools of sacred music, where they already exist, are promoted and increased, and that they are established where they do not yet exist. The Church must favor and provide for the cultivation and well-being of its organists and singers, according to

Translated by churchlatin.ai, a product of Boyne Archives

the principles of the sacred art.

IX. Conclusion.

29. Finally, we command organists, singers, clergy, superiors of seminaries and ecclesiastical institutions, and all...

[*Latin ed. p. 395*]

LETTERS 395 to parish priests, rectors of churches, canons of collegiate and cathedral churches, especially to Ordinaries, so that they may favor these wise reforms in every way and with all diligence, which have long been desired by all the faithful, lest the authority of the Church be contemned, which has often proposed them, and now, indeed, reiterates them. From the Vatican, on the feast of St. Cecilia, the fifth of November, ten days before December, in the first year of Our Pontificate. PIUS PP. X. LETTERS of the Most Holy Pope Pius X to the Most Eminent Cardinal Respighi, the General Vicar of the City, concerning the restoration of sacred music. (A faithful version)

d) Most Eminent Lord, We have considered it necessary to express to you, in Our Chirograph, what We desire concerning the sacred music, which serves most fittingly the divine worship, and what We think about the splendor, dignity, and sanctity of the Holy Rites, which We wish to flourish everywhere on earth. We trust that all will be open to hear us in this so-desired restoration, not only with blind obedience, which is, of course, praiseworthy, whereby even those commands which are burdensome and contrary to one's will are borne with little complaint, but also with that alacrity of will, which arises from firm conviction, and which must be entirely in agreement. For if we consider for a moment how art serves the worship, and if we reflect that nothing that is not at least good should be offered to the Lord, and that, where possible, the best should be offered, we clearly see that the decrees of the Church, which concern sacred music, are nothing other than the correct translation of these principles. Where the clergy and their chaplains (maestri di cappella) assent to this truth, the best sacred music will spontaneously flourish, as has happened in many places; where, on the other hand, these principles are scorned, (i) The Italian text is found on page 321 of this volume.

[*Latin ed. p. 396*]

The provided text does not contain any quotations from Leviticus 25:29. Therefore, no changes are required.

396 Neither letters, nor exhortations, nor warnings, nor harsh and repeated commands, nor the threats of canonical penalties, effect a return to good practice among those who sin in these matters; thus, the stubbornness of will or the crass ignorance of the desires of the Church are sufficient to prevent many from acting in a commendable manner for many years. We especially hope for this zeal from the clergy and the faithful of Our

Translated by churchlatin.ai, a product of Boyne Archives

beloved City, which is the head of the world and the seat of the supreme authority of the Church. For it seems to us that those who hear our words from our mouth will more easily assent, and will give an example of perfect obedience to our warnings, which is the most noble part of the flock of Christ, namely, the Church of the City, which is entrusted to us with a special Episcopal office. Moreover, it is fitting that this example be presented before the eyes of the entire world. From all sides, bishops and the followers of He come here to see the Vicar of Christ, to temper their spirits, as they visit our venerable basilicas and the tombs of the martyrs, and to attend the sacred ceremonies, which we celebrate daily here with great expense and splendor. "We hope that they will not be offended by our customs," said Benedict XIV, who preceded us with Apostolic authority, in the Encyclical Letter "Annus qui," referring to sacred music. And speaking above about the misuse of musical instruments, which was prevalent at that time, the Pope himself said: "What impression will those coming from regions where the churches do not use instruments have, if they hear them in our churches, as is customary in theaters and other places?" "Some will come from regions where, according to our custom, music is sung in churches; but if they are imbued with a desire for improvement, they will be affected by admiration, when they find here the remedy for the abuses of their churches, which they have sought." In past times, the music that was sung in churches may have seemed to sin less in the eyes of the laws and decrees of the Church, and perhaps the evil example was not greater because the abuse was more open and common. Now, however, as outstanding men have declared with great study the reasons for the liturgy and the art that serves the rite, and as the benefits of the restoration of sacred music have already been greatly felt in many churches throughout the world, despite the difficulties that have been overcome; and finally, as it is in the minds of all that sacred music must be restored, this greater abuse can no longer be tolerated and must therefore be removed.

[*Latin ed. p. 397*]

LETTERS 397. Therefore, Most Eminent Prince, who in Rome discharges Our duties concerning spiritual matters, and whose suavity and firmness are known, take care that the music, which is sung in the churches and chapels of the clergy, whether secular or regular, of this venerable City, be adapted to Our instructions. Much needs to be corrected in the chants of the Mass, the litanies of Loreto, and the eucharistic hymns; but it is necessary that the chants of the Vespers, which are celebrated in the churches and basilicas, be corrected. We seek in vain the beautiful traditions of the liturgical decrees of the Bishops and the classical schools of Rome. The long musical compositions, in which the clergy and the people participate, which are based on the words of the Psalms, in the manner of ancient theatrical performances, and which deviate so much from the art, that they

Translated by churchlatin.ai, a product of Boyne Archives

would not even be tolerated in secular concerts, take the place of these. Religion and Christian piety are not promoted; the curiosity of some who understand very little is increased, but most people are affected by this example and are astonished that this evil practice still exists. Therefore, We desire and We wish that this be completely removed, and that the solemnities of the Vespers be celebrated everywhere according to the liturgical laws, which We will expound. Let the larger basilicas serve as an example to all churches, under the care of the Most Eminent Cardinals and the same superiors; and let the smaller basilicas, collegiate churches, parishes, and churches and chapels of religious orders, follow their example. You, Most Eminent Lord, do not delay; do not be lenient. Delay does not diminish the difficulty, but rather increases it; what must be cut off, should be cut off quickly. All trust in Us and in Our words, which are followed by the grace of God. The restoration may cool down in some at first; perhaps some among the choir masters will not be sufficiently prepared, but gradually things will go well, and when the music is adapted to the liturgical laws and the nature of the concert, everyone will feel the beauty and goodness that has never been known before. Thus, the solemnities of the Vespers are diminished; but if some pastors of churches should wish to prolong the sacred service, so that the people who come to the House of God during the Vespers, in which the feast is celebrated, may be present, nothing prevents this, and it may even benefit the piety and religion of the faithful, if a careful prayer and the blessing of the Most Holy Sacrament are included. Finally, We wish that sacred music be cultivated with special care and in due manner in all seminaries and colleges of the City, where so many select clerics from all over the world learn sacred sciences. We know, and this...

[*Latin ed. p. 398*]

398 It is a source of joy to us to learn that music flourishes in some institutions, so that these may serve as an example to others. However, some seminaries, or the negligence, ignorance, and corrupt judgment of those who oversee music and singing, are not worthy of praise. Therefore, you, Most Eminent Prince, let your zeal be such that the Gregorian chant, according to the decrees of the Council of Trent and of many provincial and diocesan councils throughout the world, is cultivated with the greatest diligence and is preferred in the sacred ceremonies. Formerly, to speak truthfully, the Gregorian chant was known from books that were erroneous and abridged, but now, since men of outstanding ability and merit in the art have devoted themselves to music, things have changed. The Gregorian chant, restored to its former dignity and splendor, as we have learned from the Fathers and from the codices, seems sweet and pleasing, and is so easily learned, and is adorned with such beauty and novelty that it captivates the minds of young singers, where it is now cultivated. When this is combined with devotion and the fulfillment of duty, all things are pursued

Translated by churchlatin.ai, a product of Boyne Archives

with lasting and greater zeal. Therefore, we desire and command that the ancient Roman chant be introduced in all the colleges and seminaries of this venerable city, which was already sung in our churches and basilicas, and which was held in great honor in the best times of the Christian religion. Just as it was formerly brought from the church of Rome to other Western lands, so we hope that the clerics, while learning the sacred sciences under our watchful eye, will carry it again to their dioceses, where priests will work for the glory of God. To us, it is pleasing to command and enjoin that this be observed with great solemnity on the thirteenth day of the month in which the glorious and immortal Pontiff, that Divine Gregory the Great, who was called "Magnus," passed away, to whom the tradition of the Church has attributed the composition of many of these chants for many ages, and whose name is celebrated with great solemnity. Let these young men practice these chants, for it will be pleasing to us to hear the Gregorian chants performed by them in the sacred liturgy on this very solemn occasion, near the tomb of that Divine Pontiff in the Vatican Basilica. And so that this may be a pledge of Our benevolence towards you, Most Eminent Prince, We impart to you, to the clerics, and to Our most beloved people, Our Apostolic Blessing from the bottom of Our heart. From the Vatican Palace, on the feast of the Immaculate Conception, in the year 1903. PIUS PP. X.

[*Latin ed. p. 399*]

399 LETTER which Pope Pius X sent to the Bishop of Tarb, commending his zeal and the piety of the pilgrims flocking to the Shrine of the B.V.M. of Lourdes.

(i) PIUS PP. X. Venerable Brother, greetings and the Apostolic blessing. It is very pleasing to us that you recently reported, here in this place, that the celebrations marked by the wondrous presence of the Immaculate Virgin are increasing in significance for the faith and piety of the people, now that the hidden goodness of God has raised our humility to the height of the apostolate. Even more so, because you have informed us that many thousands of pilgrims, almost from all of Gallia, are gathering there these days, accompanied by their Bishops, and that they seek nothing more than to obtain, for us, who are concerned about the many needs of the Church, more abundant assistance of divine grace. This is certainly a commendable undertaking, and one that is highly fitting for Catholics, worthy of that name. Indeed, it is entirely appropriate and fitting that, especially in these difficult times, all the children of the Church should offer this to the Pope; and it is particularly fitting that the people of Gallia should do so, for whose sake the Pope is today so earnestly concerned; and this especially at this shrine, which is a most prominent witness in Gallia of the love and mercy of the most blessed Virgin. Therefore, Venerable Brother, accept the testimony of our gratitude; and we wish you to communicate this to your colleagues

Translated by churchlatin.ai, a product of Boyne Archives

in the episcopate, and to the entire multitude of pilgrims, on behalf of whom you have also sent us letters filled with obedience and respect. And we, who adorn you with our own praise, for the way in which you cultivate the most Holy Mother of God in this noble seat of her grace and seek to encourage others to do the same, ardently desire that your works may prosper daily. Know that we attribute to her maternal protection no less than our predecessors; and we are confident that, through her help above all, not only your country, but the entire Church will emerge from the evils that oppress it. As a pledge of heavenly blessings and a witness of our paternal benevolence, we give you, Venerable Brother, and to all others.

(1) This letter, translated into the italica language, can be found in this volume on page 283.

[*Latin ed. p. 400*]

400 FROM THE SECRETARY'S OFFICE, concerning which you have made mention, we impart the Apostolic blessing, perseveringly in the Lord. Given in Rome, at Saint Peter's, on the 14th of September, 1903, in the first year of Our Pontificate. PIUS PP. X. To the Venerable Brother Francis Xavier, Bishop of Tarb.

FROM THE SECRETARY'S OFFICE: The Church of the Blessed Virgin Mary, Our Lady of Hope, located in Briocensis, is raised to the rank of a minor basilica. POPE LEO XIII. For the perpetual memory of the matter. To those ancient sacred buildings dedicated to God in honor of the Virgin Mary, and which promote a more splendid worship in Gallia, it is fitting to grant [this honor]. That which was built in Briocensis in the 14th century, a notable monument of Gothic art, which in the year 1848 began to be called by the name of Our Lady of Hope, and then, in the year 1898, was completely restored with greater splendor and was consecrated. The venerable image of the Virgin, Mother of God, renowned for miracles, and redeemed with a golden diadem in the year 1865, at the name of the Supreme Pontiff, is frequented by faithful from Britain, especially, who come in large numbers for pious pilgrimages, and who often give the name to the Archconfraternity canonically erected there in the year 1848, under the auspices and title of Our Lady of Hope. Remembering all these things, and with the Venerable Brother Peter Maria Fallieres, Bishop of Briocensis and Trecorensis, also making supplications and vows on behalf of the clergy and people entrusted to him, to which the suffrages of the Archbishops of Hierapolis, Molinensis, Niciensis, and Alindensis were added, We, moved by fervent prayers, have decreed that...

[*Latin ed. p. 401*]

From the Brief Secretariat 401, we deem it fitting to elevate the temple of Our Lady of Hope to the rank of a minor basilica; We, having carefully and diligently considered all relevant matters, have judged it right to grant

Translated by churchlatin.ai, a product of Boyne Archives

approval to this request. Therefore, We declare that all and each of those to whom these Letters are favorable, and from whom any excommunication, interdict, or other ecclesiastical sentences, censures, and penalties, if any, may have been incurred, shall be absolved and considered absolved, for this very reason; and by Our Apostolic authority, in the presence of these documents, We elevate the Church of the Blessed Virgin Mary, Our Lady of Hope, located in Briconii, to the rank and dignity of a minor basilica, granting to it all the privileges and honors that rightfully belong to minor basilicas of the Eternal City. We decree that these present Letters shall be firm, valid, and effective, and shall have their full and complete effect, and shall fully suffice for those to whom they apply, now and in the future; and that, accordingly, all matters pertaining to this shall be judged and decided by any ordinary or delegated judge; and that they shall be declared null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 20th of December, 1902, in the twenty-fifth year of Our Pontificate. A. CARD. MACCHI. The faculty is granted to the Archbishop of Mechlin to solemnly crown the image of the Most Sacred Heart of Jesus in the basilica of the place called Berchem. LEO PP. XIII. Our beloved Son, greetings and Apostolic blessing. We are always pleased to enrich temples dedicated to God, which are celebrated not only by art but also by worship and the gathering of the faithful, with the highest honors, according to the custom and practice of the Roman Pontiffs. We know, therefore, that in your diocese of Mechlin, that is, in the suburb of Antwerp commonly called Berchem, there exists a distinguished temple dedicated to the Most Sacred Heart of Jesus, which has been elevated to the title of minor basilica by this Apostolic See, to which a pious congregation of daughters devoted to the same Most Sacred Heart ministers, and which the Christian people venerate. [Reference to Acta. Tom. XXXVI. p. CDXXVII. 26].

[*Latin ed. p. 402*]

402 From the Secretariat of Briefs, the highest authority in religious matters. Now, as the fifth and twentieth anniversary of the founding of this church approaches, and as you, our beloved Son, have earnestly requested this from Us on this occasion, that you may have the faculty of crowning the image of the Most Sacred Heart of Jesus placed therein; We, in order that this fruitful devotion may be increased day by day, have deemed it fitting to grant your pious request. Therefore, We absolve and declare absolved all and each of those to whom these Our Letters extend, from any and all excommunications and interdicts, and from all other ecclesiastical sentences, censures, and penalties, if any they may have incurred, solely for the purpose of this matter, and We grant to you, our beloved Son, by the tenor of these presents, that you may lawfully crown the aforementioned image

Translated by churchlatin.ai, a product of Boyne Archives

of the Most Sacred Heart of Jesus, located in the aforementioned church in the Suburb of Antwerp, on a day chosen by you, with due solemnity and observance, in Our name and by Our authority. Furthermore, that this solemn Holy act may also contribute to the spiritual good of the Christian faithful, We grant and bestow upon all and each of the faithful of both sexes, who, truly penitent and having confessed their sins and having received Holy Communion, visit the aforementioned church on the very day of the Coronation, or on subsequent days of the anniversary of the same Coronation, and there, before the aforementioned image of the Most Sacred Heart of Jesus, offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, a plenary indulgence and remission of all their sins, which may also be applied for the benefit of the souls of Christian faithful who, united with God in charity, have departed this life, as a form of suffrage. Notwithstanding any contrary provisions. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the 28th of April, 1903, in the twenty-sixth year of Our Pontificate. A. CARD. MACCHI. L. S. To our beloved Son, Peter Lambert, of the Sacred Roman Church, Priest. Cardinal Goossens, by Apostolic concession and dispensation, Archbishop of Mechlin.

[*Latin ed. p. 403*]

403 ACTS OF THE ROMAN CONGREGATIONS. From the Holy Congregation of the Index, a Decree concerning the prohibition of books. On Thursday, December 4, 1903. The Holy Congregation of the Most Eminent and Most Reverend Cardinals of the Holy Roman Church, by order of the Most Holy Pope Pius X and the Holy Apostolic See, which presides over the Index of books of pernicious doctrine, and concerning their condemnation, suppression, purification, and permission throughout the Christian republic, having met in the Vatican Apostolic Palace on December 4, 1903, condemned and condemns, suppresses and suppresses, and orders that the following works be included in the Index of Prohibited Books: Charles Denis, *Un carême apologétique sur les dogmes fondamentaux*. Paris, 1902. Charles Denis, *L'église et l'état; les leçons de l'heure présente*. Paris, 1902. The Abbot Georgel, *La matière; sa déification; sa réhabilitation au point de vue intellectuel et aimant; ses destinées ultimes*. Oran, 1902-1903. Joseph Olive, *Lettre aux membres de la pieuse et dévote association du Coeur de Jésus et de N. D. de sept douleurs*. This, 1886-1903. Father Sifflet, having commendably submitted to the Decree of the Holy Congregation, published on March 5, 1903, by which the book written by him was noted and inserted into the Index of Prohibited Books. Therefore, no one of any rank or condition may dare to publish, or, having published, to read or retain, the aforementioned works, in any place and in any language, under the penalties indicated in the Index of Prohibited Books. These mat-

Translated by churchlatin.ai, a product of Boyne Archives

ters having been reported to the Most Holy Pope Pius X through me, the undersigned Secretary, His Holiness approved the Decree and ordered it to be promulgated. In witness whereof, etc. Given in Rome on December 4, 1903. ANDREAS CARD. STEINHÜBER, Prefect. L.)Jf S. Fr. THOMAS ESSER, Ord. Praed., Secretary. - C ^ P -

[*Latin ed. p. 404*]

404 FROM THE HOLY CONGREGATION OF THE COUNCIL OF GUASTALLA. REGULATING CUSTOMS REGARDING CHORAL SERVICE. November 21, 1903. Since this matter is not one of controversy, but rather a petition for absolution from the past and a grant of grace for the future, it was included among the summarized reports and discussed in general and specific sessions. The Chapter of the Church of Guastalla, seeking to restore its customary practices regarding choral service and daily distributions, examined certain customs that had been observed and found to be contrary to the Council of Trent, and therefore, having presented all of this in a supplication, requested forgiveness for the past and grace for the future. The aforementioned customs, contrary to the law, as the Chapter recounts in its supplication, are as follows: "A. Canons and Mansionaries, who, during the two months in which they do not participate in choral service (according to their own constitutions), do not lose their daily distributions, or rather, are not penalized; B. Choristers, on the other hand, who, due to illness, are genuinely unable to perform choral service, receive their own distributions from their respective canons and mansionaries, but do not receive an increase in distributions to compensate for what they lose by not participating in the choir; C. The Sub-Economus R. annually pays the proper third part of the fruits of all vacant benefices; but this sum is not returned to a pile of funds, but is distributed proportionally among the heads of each prebend; D. The Theological Canon and the Penitential Canon respectively have their own prebends, from the canonry."

[*Latin ed. p. 405*]

GÜASTALLEN. 405. The mass and half of the simple benefice, extinguished and dissolved by Apostolic authority, are united; nevertheless, they are subject only to the assessment for the provision of the original canonry, without any consideration for greater revenues from the part of the annexed benefice. "Furthermore, because the number of canons has been greatly diminished, indeed almost halved, the conventual Mass is celebrated only on feast days, although recently suppressed; on more solemn feasts, the First Vespers are omitted, and the Third Hour is not sung, unless a Pontifical Mass is celebrated afterwards by the Most Reverend and Right Reverend Bishop." Regarding the facts concerning which the Reverend Chapter of Guastallen raises questions, and concerning

Translated by churchlatin.ai, a product of Boyne Archives

which they request a judgment from the Most Holy Congregation, the reasons presented by the praised canons are favorable, having explained the ancient customs. These reasons suggest the propriety of granting permission. The Chapter itself believes that the customs contained under the letters A, B, and C can be considered legitimately introduced, because not only are all the particulars and memorable events, but also the first and second are expressly stated and contained in the current chapter constitutions and approved by a higher authority with a decree dated June 27, 1850. Regarding the custom referred to under the letter D, the Chapter knows that it has been in use for fifty years, and regarding the custom referred to under the letter E, although introduced only twenty years ago, it is also recognized as legitimate, either because of the almost halved number of canons, or because of the almost innumerable duties with which the clergy of any diocese must be burdened in these times. The Bishop himself, persuaded by such reasons, strives to corroborate them with further arguments, and thus expresses himself in his commendatory letters: "Regarding the customs explained under the letters A and B, these are truly accepted in the constitutions..."

[*Latin ed. p. 406*]

406 From the capitular decrees of the Most Holy Council, approved by the Ordinaries; concerning the custom contained under the letter C, it appears to be legitimated by the Ordinaries who, in ancient times, annually approved the schema for the distribution of choral duties among the capitulars. Regarding the custom under the letter D, that a third part of the revenues of annexed benefices be given to the canonical Penitentiaries and Theologians, it does not seem to have been included in the distributions, because this benefice, being burdened with a certain number of Masses, it has been considered distinct from the provision for the canons. Regarding the last custom, which was undoubtedly introduced by choice, it is necessary; but since the number of canons has been reduced from 20 to 12, and all the priests in the city are reduced to 17, it would not be appropriate to change the actual choral service; otherwise, the clergy, being so diminished, would become insufficient for the needs of the Diocese. Hence, the Most Reverend Ordinary concludes, imploring the Most Eminent Cardinal Prefect to grant the requested reduction of the choral service for five years, or at least for two years, and also to ratify the other customs, since they do not impede the regular service of the Church. Therefore, according to the Bishop's report, there are reasons for granting this concession: namely, the reduced number of canons, the grave and numerous duties with which the canons and mansionaries must be burdened, whether in the Seminary, in the Curia, or in the city of Guastalla, since there are no other priests present there besides those mentioned as choristers. Therefore, the petitions of the Chapter seem to be deserving of a favorable reception. However, these are

Translated by churchlatin.ai, a product of Boyne Archives

general statements. Furthermore, specifically concerning the expenses for the daily distributions for those absent during the time of the Conciliar vacations, it is possible that these expenses may be incurred, which, since such a time in the Chapter of Guastalla is limited to two months, and since the canons are occupied throughout the year with various grave duties, it seems just that they should be compensated with the requested privilege. Indeed, the Most Holy Congregation often grants such indulgences due to special circumstances, as evidenced by the resolutions in Oriolen, December 1, 1794, and in Alben, July 11, 1885.

[*Latin ed. p. 407*]

GUASTALLA. 407. Indeed, with a clause, as in the aforementioned Albano, so that the canons are not absent at the same time for more than one-third, and that vacations do not occur during the time of Advent and Lent, or during the most solemn feasts of the year, as was prescribed in Auximana on July 12, 1631. Regarding the custom of excluding infirm canons from participation in the distributions of canonical dues, or from the accrual of rights, although this seems to be contrary to the disposition of the Council of Trent, session 24, chapter 12, which considers infirm canons as personally present with regard to daily distributions, nevertheless, since this custom does not affect the service of the choir, no harm to divine worship can arise from its approval. And this all the more so because it is also sanctioned in the Constitutions of the Chapter of Guastalla, approved by the Ordinary. Regarding the custom under letter C, according to which one-third of the revenues of vacant benefices, paid by the Government, is not included in the accumulation of faults, but rather is assigned to each canon in proportion to his benefice, it should be noted that this division can be considered as a kind of restitution of goods or revenues taken from the Chapter by the Fiscal authorities; then the Bishop notes that this division has always been made with the consent of the Ordinaries. In this matter, I believe it is pertinent to refer to the resolution of the Holy Congregation in Veliterna Pandarum, on March 27, 1885. There, among other things, the division of the revenues of two vacant benefices was being considered, which could not be conferred due to the lack of suitable candidates. The question was: II. Whether the revenues of two other vacant benefices should be equally and entirely divided among the beneficiaries, without regard to the service rendered, or rather, whether one-third should be distributed, which would only accrue to those who are more diligent. The Holy Congregation responded: Affirmatively to the first part, negatively to the second. Regarding the custom under letter D, it should be noted that the increase of a benefice, whether Theological or Penitential, resulting from the division

Translated by churchlatin.ai, a product of Boyne Archives

of a suppressed benefice is small.

[*Latin ed. p. 408*]

408 Regarding the importance of the decrees of the General Council, as noted by the Bishop of Guastalla; then, this slender sum is almost entirely absorbed by the particular charges of Masses which burdened the suppressed benefice: hence, the portion to be added to the accumulated distribution of daily offerings or alms would be the smallest possible. Finally, concerning the custom under consideration, with reference to the conventual Mass, the arrangement is noted in chapter *Creatura* concerning the celebration of Masses, and in the Constitution of Benedict XIV. Since it is prescribed that the offerings, which are given in all churches, whether cathedrals or collegiate churches, should always be applied and the conventual Mass sung daily for the benefit of the benefactors in general; nevertheless, despite these provisions, a certain reduction is often granted when just reasons concur, especially when it is a question of reducing Masses with singing to chanted Masses, as in the matter at hand. In the same way, it seems prudent to make a judgment regarding the omission of singing in the recitation of Vespers on solemn days and in the recitation of Terce, except in the Pontifical Mass. Although these practices are contrary to the General Rules, nevertheless, when just reasons concur, some indulgence is often granted in this matter. The reasons for the reduction of choral services in this case are present, and they are very serious, as has been seen above, as testified by the report of the Bishop of Guastalla. Reasons to the contrary. Contrary to the aforementioned customs, it can be observed that these have been, in the first place, condemned collectively by the Sacred Congregation, as is evident from the report of the Bishop of Guastalla himself. For, when the same Sacred Congregation was asked, it considered it appropriate to respond in this way: "The canons of a cathedral church cannot, whatever the custom, however ancient, use any particular custom contrary to the general laws regarding choral service, and consider it legitimate. If local circumstances and the times suggest some remission, it must be obtained from the Apostolic See, through your [the Bishop's] recommended prayers." However, contrary to the Bishop's recommendation, the following arguments are presented.

[*Latin ed. p. 409*]

Regarding the present controversy, it should be noted first that the custom mentioned under the letter E directly affects the service of the choir; the other customs directly affect daily distributions, and indirectly also the service of the choir. The daily distributions, which are equivalent to stipends, were instituted and established by law, as stated in the document from Veliterno, dated March 27, 1886, so that those who serve in the choral ministry might be diligent and constant, and according to the Council of

Translated by churchlatin.ai, a product of Boyne Archives

Trent, Session 21, Canon 3, concerning Reform, "that in no way be the divine worship diminished, but that due reverence be rendered to it in all things." Certain other reasons exist in the matter that seem to be to the contrary, which, although of little strength, I believe are worthy of consideration. First, with regard to the customs from A to B, inclusive, both the Bishop and the Chapter consider them to be admissible, because they are recognized in the Capitular Constitutions approved by the Ordinary in the year 1850. But Capitular statutes, however sworn and strengthened by the authority of the Ordinary, cannot go against common law, and especially against Canon Law, as Fagnanus teaches in chapter 1, paragraph 92, and elsewhere. Furthermore, to deny to canons an increase from the failings of the negligent seems to be contrary to equity. Regarding the customs under the letters C, D, the Bishop states that he does not oppose them, just as he does not disapprove of the two preceding customs, "because I see that they are not an obstacle to the regularity of the choral service." This reason does not appear to be sufficiently solid; for, as mentioned above, the daily distributions, or stipends, were instituted by law so that the canons might be diligent in the face of negligence; hence, they indirectly affect the service of the choir. Regarding the custom under the letter E, it is sufficient to note that it was arbitrarily introduced by the Chapter, as testified by the Bishop himself: "The custom mentioned in letter E was undoubtedly introduced arbitrarily"; therefore, to validate it would be, in a certain way, to reward the Chapter's malice.

[*Latin ed. p. 410*]

410 From the Decrees of the Council, and to other Chapters, granting an opportunity to neglect choral service, the Most Reverend Fathers, having considered all the matters brought before them from various sources, at the general assembly held on the 21st of November last, decided to respond as follows:

Regarding point 1: With prior absolution concerning the past, and for the future, for a period of five years, with the understanding that the statutes will be observed.

Regarding point 2: The common law shall be observed.

Regarding point 3 and 4: The common law shall be observed.

Regarding point 5: For the sake of dispensation from singing, solely during Conventual Mass, for a period of five years, with the exception of all feast days and other days to be determined by the Bishop according to his judgment and conscience, with the understanding that the matter will be discussed with the Most Reverend Fathers.

SUMMARY OF CAUSES

January 23, 1904.

Translated by churchlatin.ai, a product of Boyne Archives

The Sacred Congregation was held in the Apostolic Palace at the Vatican, in which, among other things, the following causes were proposed, according to the custom of the same Sacred Congregation, to be discussed; and which were resolved as follows:

THROUGH A SUMMARY OF PRAYERS

I. FRIBURGEN. - DISPENSATION FROM IRREGULARITY.

Response: Considering the particular circumstances, for the sake of dispensation, provided that there is no scandal, upon which the Archbishop's conscience is burdened, with prior salutary penance, with the understanding that the matter will be discussed with the Most Reverend Fathers.

II. CAIETANA - FONTIS BAPTISMALIS (Baptismal Font).

Response: In all respects, and more, the decision stands.

III. RUBEN - ORDINATIONIS PAROECIARUM (Ordination of Parishes).

Response: For the sake of approval, according to the intention.

[*Latin ed. p. 411*]

SUMMARY OF CAUSES 411 ON PAGE I. MESSANEN. - NULLITY OF MARRIAGE. R. In the decided cases.

II. VARSAVIEN. - DISPENSATION FOR MARRIAGE. {Under seal). R. Affirmative.

III. PARISIEN. - NULLITY OF MARRIAGE. (Under seal). R. In the decided cases.

IV. PARISIEN. - NULLITY OF MARRIAGE. R. In the decided cases.

V. RHEDONEN. - DISPENSATION FOR MARRIAGE. (Under seal). R. Affirmative.

VI. BAREN. - RIGHTS. R. Regarding the doubt, concerning the exemption of the Archpriest from punishment for confirming a decree by declaration, so that he is considered present whenever he undertakes the care of souls, burdened with this on his conscience; to be rejected regarding the other part. Regarding 2, the legitimate customs prescribed are to be observed, so that, nevertheless, the present parish priest is considered present whenever he undertakes the care of souls, burdened with this on his conscience. Regarding 3 and 4, it is the intention that the Archpriest be maintained in possession and administration of the goods, and that a pension of 100 florins be imposed upon him, to be paid by those participating; with the reservation of the right to provide for a suitable pension in a new provision of the benefice.

Translated by churchlatin.ai, a product of Boyne Archives

VII. VALVEN. - REMOVAL FROM THE PARISH. (Under seal). R.

[*Latin ed. p. 412*]

412 FROM THE HOLY CONGREGATION FOR RITES: Ordinary and Extraordinary Faculties of the Congregation for Sacred Rites. EXTRAORDINARY FACULTIES WHICH CAN BE OBTAINED THROUGH THE HOLY CONGREGATION, WITH THE APPROVAL OF THE MOST HOLY FATHER. I. Extraordinary Faculties in Causes of Beatification and Canonization of the Servants of God. 1. To appoint Bishops, in the number designated by the General Decrees, to conduct Apostolic Processes. 2. To extend the term for completing Apostolic Processes. 5. To grant the opening of Ordinary Processes, not less than, but also by, the authority of the Apostolic See, nevertheless with the clause: *servatis servandis* (observing what must be observed). 4. To propose in the Ordinary Congregation, without the intervention and vote of the Consultors, Doubts concerning: I. The validity of Processes; II. The signature of the Commission for the Introduction of the Cause; III. The resumption of the Cause for Canonization; IV. Particular matters, which are commonly called *minora* (Minori); V. Causes for the approval or confirmation of the immemorial cult. 5. To propose a Doubt in the Ordinary Congregation of the Signature of the Commission for the Introduction of the Cause, even if the required term of ten years has not elapsed from the presentation of the Ordinary Process by the authority of the Apostolic See. 6. To propose a Doubt concerning Virtues, even if the required term of fifty years has not elapsed from the death of the Servants of God, concerning whom we are speaking. 7. To grant particular Letters from the Congregation for Sacred Rites, with Instructions from the Most Reverend Promoter of the Holy Faith: I. For inquiring about the writings of the Servants of God; II. For examining, or transferring, their bodies, or relics; III. For obtaining relics for Beatification. — Whatever other instructions the Most Reverend Promoter of the Holy Faith may issue in particular Causes of the Servants of God, these must always be included in these particular letters.

[*Latin ed. p. 413*]

FROM THE SACRED RITUALS, 415, 8. To grant these same particular permissions whenever they pertain to the execution of a decree of the Congregation of Sacred Rites, or are related to some information which the Reverend Promoter of the Holy Office desires to inquire about, even in enclosed monasteries. 9. To authorize the computation of processes in Apostolic investigations. 10. To grant letters of remission for the construction of processes, so that evidence may not be lost, before examining doubts concerning unapproved worship, and concerning reputation of sanctity. 11. To grant letters of remission for the construction of processes with Apostolic authority, to be directed not only to Bishops, according to general decrees,

Translated by churchlatin.ai, a product of Boyne Archives

but also to others, according to examples given by the Most Holy Pope Benedict XIV in the work *De Canonizatione Sanctorum*, book 2, chapter 5, and to others also concerning whom some example may be found, according to the variety of circumstances. 12. To appoint Eminences of the Congregation of Sacred Rites as required by Postulators in the presentations or reports of causes of beatification and canonization.

N.B. The aforementioned faculties, although they must be obtained through an audience with the Holy Father, can nevertheless be granted immediately by the Sacred Congregation, by virtue of the special faculties granted to it, whenever necessity demands, and access to the Supreme Pontiff is not possible.

II. Other Extraordinary Faculties.

1. To consecrate fixed altars through a priest.

2. To consecrate portable altars.

3. To delegate the consecration of an altar to another in place of the Bishop.

4. To erect a portable altar outdoors.

5. To change the title of a consecrated altar.

6. To change the images on an altar.

7. To perform ablutions in the Mass with only water.

8. To impart absolutions at funerals after the Mass has been read.

9. To approve proper formulas for blessings.

10. To bless a newly elected Abbot on a weekday.

11. To impart a solemn blessing in the name of the Supreme Pontiff.

[*Latin ed. p. 414*]

414 FROM THE SACRED CONGREGATION OF RITUAL, 12. Granting the solemn Benediction after the Pontifical Mass. 13. Granting the same Benediction outside of Mass. 14. Granting the same Benediction with a dispensation from the reading of the Breviary. 15. Concerning the wearing of beards. 16. Granting the title of "minor basilica." 17. Concerning the exposition of images of the Blessed. 18. Concerning the carrying of the relics of the Blessed in a solemn procession; observing the instructions of the Most Reverend Promoter of the Holy Faith. 19. Concerning the dedication of altars to the Blessed. 20. Delegating the consecration (to) fixed and portable altars for the Bishop. 21. Concerning the consecration of a Bishop on a weekday. 22. Concerning the consecration of a church with certain dispensations. 23. Concerning the opening of a small choir in churches and oratories. 24. Concerning reducing the number of candles in the exposition of the Most Holy Sacrament. 25. Concerning celebrating the Anniversary of the Dedication on the same day by all churches of a diocese, order, congregation, etc. 26. Granting a dispensation from Mass on weekdays, vigiliae,

Translated by churchlatin.ai, a product of Boyne Archives

etc. for the Chapter. 27. Granting a dispensation from fasting before the consecration of an altar. 28. Concerning extending the feasts of the Blessed to dioceses and churches. 29. Concerning elevating the rites of feasts to a higher class, namely, to the Double Major, 2nd class, and 1st class. 30. Concerning reducing the rites of feasts from the Double Major, 2nd class, and 1st class to a lower rite. 31. Concerning the construction of a dwelling above a church. 32. Granting special insignia to Bishops, Canons, Parish Priests, Dignitaries, etc., and permitting the use of a throne for the Auxiliary Bishop. 33. Concerning granting and reforming particular calendars. 34. Concerning whether or not to read the Conventual Mass. 35. Concerning granting and approving proper Masses, according to practice. 36. Concerning celebrating Mass with certain dispensations. 37. Concerning celebrating a proper Mass during the four days. 38. Concerning celebrating a proper Mass during the octave. 39. Concerning celebrating Mass in the interior cloister. 40. Concerning celebrating a votive Mass to the Blessed Virgin in sanctuaries.

[*Latin ed. p. 415*]

FROM THE SACRED RITUALS, CANONS 415-41:

41. Celebrating a votive Mass for a particular Saint in sanctuaries.

42. Celebrating "Rorate" Masses during the Sacred Advent.

43. Celebrating Mass at two hours before dawn and after midday.

44. Celebrating Mass on Feria V (the fifth day of the week) during the Lord's Supper for the community with the Paschal Communion.

45. Changing the Office of the day.

46. Anticipating the recitation in the choir.

47. Anticipating the recitation before the second hour of the afternoon for a cleric.

48. Granting, extending, or suppressing Offices.

49. Choosing and approving patrons.

50. Choosing and approving patrons for the entire class or university.

51. Transferring the feast of the Purification of the Blessed Virgin Mary with the blessing of candles.

52. Wearing a pileolus (a small cap) and bandages to cover a wound on the head.

53. Opening the door of the Church adjacent to the main entrance.

54. Transferring the procession on the feast of Corpus Christi to the afternoon hours.

55. Granting the use of Pontificals to Canons, etc.

56. Using the rocheto (a type of vestment) for a Regular Bishop.

Translated by churchlatin.ai, a product of Boyne Archives

57. Approving the rites, ceremonies, and liturgical books according to established practice.

58. Preserving the Most Holy Sacrament of the Eucharist for a time in a private oratory of communities and religious houses.

59. Preserving the Most Holy Sacrament of the Eucharist in the Bishop's oratory.

60. Carrying the Most Holy Sacrament of the Eucharist in the city, covered with a humeral veil, or with a biretta or cap, or with a pileolus.

61. Anticipating Vespers, with or without Compline, before midday in the choir.

62. Erecting other oratories besides the main one in religious houses, according to decree 4007 Nivernen.

[*Latin ed. p. 416*]

416. ORDINARY FACULTIES GRANTED BY THE HOLY SEE, WHICH CAN BE OBTAINED THROUGH THE HOLY ROMAN CURIAS.

1. To erect a portable altar before the images of the Blessed.

2. To cleanse the sacred linens for the sanctuary.

3. To perform the solemn blessing of water on the vigil of Epiphany.

4. To use approved formulas for blessings, which require Apostolic permission.

5. To bless, especially, candles in honor of St. Joseph.

6. [Illegible]

7. [Illegible]

8. To bless rings and angelic crowns of St. Michael.

9. To bless water in honor of St. Ignatius, Confessor.

10. To bless coins of St. Benedict, Abbot.

11. To bless all scapulars.

12. To bless four scapulars under a single formula.

13. To bless a small image, similar to a scapular, of the Most Sacred Heart of Jesus.

14. To bless rosaries.

15. To bless [illegible], not excluding water.

16. To bless sacred furnishings, in which the sacred unction is not applied.

17. To bless, or reconcile, churches and cemeteries through a priest.

18. To bless, or reconcile, churches and cemeteries through a priest, using water blessed by a priest.

19. To delegate, for the Bishop, the blessings (Ad) reserved to the Bishop, in which the sacred unction is not applied.

Translated by churchlatin.ai, a product of Boyne Archives

20. To impart blessings to the sick in honor of St. Anne.

21. To delegate, for the Bishop, the consecration of the chalice and patens.

22. To privately complete the consecration of the altar through a brief formula.

23. To consecrate the sacred oils with a smaller number of ministers.

24. To wear a close-fitting wimple.

25. To perform the sacramental confession in a private oratory.

[*Latin ed. p. 417*]

FROM SACRED RITUALS 417: 26. Dispensation from reciting the Ninth Hour of the Office is granted for Nuns. 27. Dispensation is granted to any ecclesiastical community requesting it from the additions to the weekday Office, namely from the Psalms of Penance and the Graduals, as well as from the Little Office of the Blessed Virgin Mary and of the Dead. 28. Feast days may be extended to dioceses and churches. 29. The observance of feasts may be raised to a higher rank, namely to *Duplex*. 30. The observance of feasts may be lowered from a *Duplex* rank to a lower rank. 31. The functions of the greater week are to be performed in the oratories of religious, of those dedicated to religious life, etc. 32. The aforementioned functions, and similar ones, are to be celebrated, using the Memorial of Benedict XIII, in churches and oratories, especially those of religious, of those dedicated to religious life, etc. 33. Images are to be unveiled during the time of the Passion. 34. The use of garments made of wool or cotton is permitted, until they are consumed. 35. The private recitation of Matins may be anticipated. 36. Mass is to be celebrated at night on the Nativity of Our Lord, for private oratories, and for the oratories of religious, or of communities. 37. All votive Masses are to be celebrated for those requesting them. 38. [Same as above] for those requesting them. 39. Proper Masses are to be celebrated during the Triduum. 40. Proper Masses are to be celebrated on any day, especially for a newly ordained priest. 41. A proper Mass is to be celebrated in a private oratory. 42. More Masses are to be celebrated in a private oratory (three times a year). 43. More Masses are to be celebrated in a private oratory on the titular feast day. 44. More Masses are to be celebrated in a private oratory on the occasion of the infirmity of those granted indulgences. 45. Mass is to be celebrated at sea. 46. [Same as above] in a prison. 47. A votive Mass of the Blessed Virgin Mary, or of some other Saint, etc., is to be celebrated in sanctuaries for visiting priests, or for leaders of pilgrims. 48. A votive Mass of the Passion is to be celebrated during the Greater Week. Acts, Volume XXXVI, page GDXXYII. 27.

[*Latin ed. p. 418*]

418 FROM THE SACRED RITUALS, 49. The Mass for the Dead should be celebrated several times a week in churches, with singing. 50. A sung Mass for the Dead should be celebrated upon the announcement of a death. 51.

Translated by churchlatin.ai, a product of Boyne Archives

"One hour before dawn and after midday." 52. "On Feria V (Friday) during the Lord's Supper for the Priest." 53. "A sung Mass without ministers, with incense." 54. "A solemn Mass, and also sung Masses appropriate to the occasion of the feast day of some Saint, Blessed, or Mystery, according to custom." 55. A solemn Mass of Communion, where the Body of some Saint Martyr of the same name is reserved. 56. Sung Masses of Communion to be celebrated, as above. 57. The recitation of the Divine Office and the celebration of Mass according to the Calendar of the proper Religious Order for Regular Canons who, having been legitimately dismissed from the same Order, are living in the secular state, until they are provided with some benefice. 58. The recitation of the Divine Office may be changed and dispensed from. 59. "The recitation may be anticipated." 60. Offices may be transferred. 61. The use of holy oil blessed each year. 62. The erection of a private oratory, both in the house and in the country, for infirm priests. 63. The oratory, as above, with the fulfillment of the precept, except on more solemn days, for those who live together. 64. The oratory, as above, for another priest, for an infirm priest who has been granted an indulgence. 65. The erection of private oratories in cemeteries, both for families and for communities. 66. The wearing of vestments of blue color is permitted at Mass on the Feast or votive Mass of the Immaculate Conception of the Blessed Virgin Mary for the Kingdom of Spain and the regions now or formerly subject to it. 67. The Blessed Sacrament is to be reserved under the usual conditions in non-parochial churches, public and semi-public oratories. 68. The Blessed Sacrament is to be reserved with a dispensation from the daily celebration of Mass, according to custom. 69. The Blessed Sacrament may be distributed in a private oratory, except during Easter Week. 70. The Blessed Sacrament may be carried, with the head covered by a biretta, zucchetto, or pileolus, outside the city.

[*Latin ed. p. 419*]

FROM THE SACRED RITUAL, 419, 71. The exposition of the Most Holy Sacrament in the form of X L. (forty) hours, with a dispensation from the nocturnal hours.

72. Extensions of the Offices and of proper and approved Masses.

73. Celebrating feasts according to the double major rite.

74. Fulfilling the precept of hearing Holy Mass in private chapels: a) For those living together. b) For guests. c) For relatives and in-laws.

75. Another Mass in private chapels: a) For a single priest guest. b) Six times per year.

76. Anticipating the private Matins with Lauds recitation the day before, from the first hour after dinner, with a reasonable cause.

77. Another Mass in the private chapel, whenever the beneficiaries attend the Holy Synaxis.

Translated by churchlatin.ai, a product of Boyne Archives

78. Mass in the private chapel on more solemn days.

79. Mass in the private chapel on the feast days of the Assumption and of the Saint Patron.

80. In order that the guests and inhabitants may be able to fulfill the precept of hearing Holy Mass, Masses are to be said in the private chapel. From the Audience of His Holiness, on September 7, 1903. The aforementioned privileges were endowed by Our Most Holy Pope Pius X with such a law, that they can never be changed or increased, without the permission of the Supreme Pontiff; and regarding the custody of this law itself, the Sacred Congregation's Secretaries and Substitutes are entirely burdened with awareness.

S. CARD. CRETONI, Prefect.

L. S. f D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 420*]

420 FROM THE SACRED ORDER OF RITES OF THE PREACHING BROTHERS: The Solemnity of the Most Holy Rosary is granted to be celebrated by the students of the Baetica Province on the first Sunday of May. The Reverend Father Prior of the Baetica Province of the Order of Preachers, humbly presenting the wishes of the Provincial Chapter to the Most Holy Lord Pope Pius X, earnestly prayed that the students of that Regular Province might be able to celebrate the solemn feast of the Blessed Virgin Mary of the Rosary, commonly called the Feast of the Rosary, with the Office and Mass of the solemnity of the same Most Holy Rosary, as is done on the first Sunday of October; as has already been granted to the Regular Province of Aragon of their own Order. Furthermore, the Sacred Congregation of Rites, exercising the special faculties granted to it by the same Most Holy Lord, and attentive to the office of commendation of the Most Reverend General Procurator of the aforementioned Order, graciously granted the request. Observing the particular rubrics of the Order. Contrary things notwithstanding. August 21, 1903. M. CARD. MOCENNI L. * S. D. PANICI, Archbishop of Laodicea, Secretary. OF THE ORDER OF PREACHING BROTHERS: A solemn Mass of Saint Dominic is granted to the Nuns of the Order of Preachers in the place of Belves, within the eighth day of his feast. To the earnest prayers of the Prioress of the Religious Nuns of the Order of Preachers residing in the town of Belois, commonly called, within the boundaries of the Archdiocese of Santiago de Compostela, and supported by the office of commendation of the Most Reverend General Procurator of the same Order, the Sacred Congregation of Rites, exercising the special faculties granted to it by the Most Holy Lord Pope Pius X, graciously granted that, on the Sunday within the octave of the feast of Saint Dominic, in the church adjacent to the monastery, there

Translated by churchlatin.ai, a product of Boyne Archives

be celebrated only one Mass.

[*Latin ed. p. 421*]

From the Sacred Rituals, number 421, the solemn Office of the Holy Legislator is to be celebrated; provided that a Double of the first class does not occur, nor is the Mass of the day omitted. The rubrics are to be observed. Contrary regulations are of no force. September 9, 1903. M. CARD. MOCENNI L. * S. f D. PANICI, Archbishop of Laodicea, Secretary of FIRMANA. It is not permitted for pastors to enter another church and to perform funeral rites over the body of a deceased person from their own parish. Ten pastors of the City of Fermo humbly proposed the following question to the Congregation of Sacred Rituals for a suitable solution: Whether, given the ancient custom, also confirmed by the acts of the Synods of the years 1773 and 1845, and with no one dissenting, the pastors of that City, bringing the bodies of the deceased from their own parish into another church, can not only enter with their own cross and clergy, but also preside at the Office for the Dead with the stole, which is done with singing, and after the Psalm, perform the absolution according to the Ritual, with the sprinkling of holy water, incense, and the prayer "Absolve," notwithstanding that the acts of the most recent Diocesan Synod of the year 1900, published in Chapter III, part III, title III, on funerals and burials, are entirely silent regarding the aforementioned custom, and only refer to the decree of April 23, 1895, "which must be observed for all churches, even collegiate ones, whether belonging to secular or regular clergy, whatever the custom to the contrary may be?" And the Sacred Congregation of Sacred Rituals, after considering the report of the undersigned Secretary, and after hearing the opinion of the Liturgical Commission, and after careful deliberation, decided to respond:

[*Latin ed. p. 422*]

422 FROM THE SACRED CONGREGATION OF RITES: The following are observed in the case of the final acts of the Diocesan Synod and the Decree (*). And thus it was decreed. On December 1, 1903. S. CARD. CRETONI, Prefect. L. % S. f D. PANICI, Archbishop of Laodicea, Secretary (*). Regarding the aforementioned DECREE concerning the funeral rites of the deceased. The Sacred Congregation of Rites, adhering to several rubrics of the Roman Ritual and other promulgated Decrees, declares: I. "The bodies of the deceased must be accompanied by only one cross, which must be that of the church to which the body of the deceased is taken; unless the Chapter of the Cathedral Church is present, in which case all those accompanying the funeral procession must follow under its authority." II. "It always belongs, even in the presence of the Chapter of the Cathedral Church, to the parish priest, outside of that church, to wear the stole and to perform all the offices over the body of the deceased belonging to his parish,

Translated by churchlatin.ai, a product of Boyne Archives

until the body has entered the church where it is to be buried; to which, it is freely carried through other parishes as well (with due respect, unless custom dictates otherwise), the body being carried." III. "The same parish priest must be in charge of all the clergy; except (if present) the Chapter of the Cathedral Church, which will proceed in the procession after the parish priest; except also the Chapter of a Collegiate Church, if custom dictates. However, in this case, the Chapter of the Cathedral Church should proceed with greater dignity, wearing the stole and also the cope, which the parish priest is not permitted to wear; and this will be observed even if the Chapter of the Collegiate Church proceeds after the parish priest." IV. "If the deceased is to be buried in another parish church, the Rector of that church, also wearing the stole, has the right and the duty to perform the remaining offices over the body; and all others must precede, except for the deceased himself, and the parish priest, who, after the body has been brought to the threshold of the church, may withdraw." V. "The Sacred Congregation of Rites commands that all of these things be observed for any churches, even Collegiate ones, or..."

[*Latin ed. p. 423*]

FROM THE SACRED RITUAL, 423, pertaining to the Secular or Regular Clergy; "whatever may be customary to the contrary notwithstanding." And thus it was decreed and ordered to be observed. April 23, 1895. GRATIANOPOLITAN. Decree of confirmation of the cult of the Servants of God Theobald!, Archbishop of Viennensis, and fifteen other Saints. The Most Reverend Paul Emilius Henry, Bishop of Gratianopolis, together with the Chapter of his Cathedral Church, recently noted that in the diocesan calendar, approved on April 27, 1865, certain heavenly patrons were omitted, which would be most pleasing to the clergy and people of the diocese entrusted to him. The cult of these, with the exception of *casus*, which is exempt from the decrees of Urban, although not yet confirmed and declared by the Apostolic See, could nevertheless be demonstrated by certain and valid arguments, even from Pontifical Indulgences. Hence, the same Prelate, desiring to reform the diocesan calendar and proper for his pastoral concern, diligently collected, arranged, and submitted to the Apostolic See the testimonies and arguments that could be relevant, through the clear and studious efforts of a most distinguished man skilled in hagiography and liturgy. At the same time, he requested and obtained a dispensation from ordinary procedures and only required proof through authentic documents regarding the exception from the decrees of His Holiness Pope Urban VIII, for all the Servants of God, the saints named below, maintaining the order of the days on which each is honorably celebrated or remembered. Of these, first in order is Theobald, Archbishop of Viennensis, born around the year 930 in the castle of Tolvione in the Gratianopolitan diocese, from pious and noble parents, Hugh and Willa, a relative of the Kings of

Translated by churchlatin.ai, a product of Boyne Archives

Burgundy, who held and illuminated the See of Viennensis, after the death of Bishop Sobon, until his death, which occurred on May 21, in the year 1001. In the ancient calendars, missals, breviaries, and martyrologies of the Church of Viennensis, he is described on May 21, and is also accompanied by the following praise: "XI Kal. Jun. Viennae de-"

[*Latin ed. p. 424*]

424 FROM THE ROMAN BREVIARY: The feast of Saint Theobald, Confessor, Archbishop of Vienna, who, from the Holy Apostolic See, was the last of the blessed Archbishops of Vienna to be raised to the ranks of the saints. He rests in the greater church, after its restoration by him around the year 954, full of miracles. In veneration of this saint, the people of Vienna, most devout, have built four chapels in the sacred greater basilica; the most important of which is where the body of the same rests." More and more illustrious things are recounted about this holy Prelate in his ancient life, judged by experts to have been written around the 11th and 12th centuries, and in the History and Acts of the Church of Vienna. Sixteen others are Servants of God: — On January 2, Theobald, Abbot of Vienna, in the monastery of Saint Marcellus, where he died on January 1st of the year around 670, leaving to the monks an example of religious perfection. — On January 19, Fergeolus, Bishop of Gratianopolis, a martyr, who was struck down and killed by impious and assassins while preaching to the people on January 16th of the year around 683. — On January 23, Bernard, Bishop of Vienna, born in the diocese of Lugdunum, who spent the wealth he received from his father on pious causes, and who also founded two monasteries, one at Ambrona and the other at Romans, where he lived out his life on January 22nd of the year 842. — On January 28, Amedeus, Bishop of Lausanne, born of a noble family from the town of Altaripa, in the diocese of Vienna, who, after being transferred from the monastery of Clairvaux to the Cathedral of Lausanne, showed singular piety towards the Virgin Mary during his life, until the year 1159. — On March 13, Eldrad, Abbot of Nooaliei, renowned for his virtue and works, died on March 13th of the year around 840. — On April 1, Hugh, Abbot of Bonaeoallis, in the Cistercian Order, born in Valencia, was a mediator between Alexander III and Frederick I of Hohenstaufen, whom he reconciled through his prudence and charity; full of years and merits, he died on April 1st of the year 1194. — On April 20, John, Bishop of Valentia, a native of Lugdunum, who adorned the Cistercian Order and the Episcopal See especially with humility and beneficence, and died on March 21st of the year 1146. — On March 13, Arigius, Bishop of Vapincensis, who, having been ordained a priest and adorned with the dignity of Bishop of Gratianopolis, excelled so much in the sacred ministry that he earned the friendship of Saint Gregory the Great; he died on May 1st of the year around 612. — On June 7, Ceratus, Bishop of Gratianopolis, attended the Council of Arauscanum in the year 441 and the Council of Vasensis in the

Translated by churchlatin.ai, a product of Boyne Archives

following year; through a letter to the blessed Leo the Great, concerning matters pertaining to Flavianum.

[*Latin ed. p. 425*]

From the writings of the Sacred Rituals, number 425, thanks are given, and the flock is kept safe from the heretical plague; himself, however, having been struck down by heretics, he died in the village of Simorra, in the diocese of Auscia, on June 6th, in the year approximately 452.

On July 7th, Justus, a monk of Condat, flourished in the sixth century with the holiness of his life, afterwards celebrated in the Priory of Saleges and in the diocese of Gratianopolis.

On September 7th, Stephen, Bishop of Dium, born of a noble lord from Castellione Dombarum, a Carthusian monk and Prior, afterwards consecrated Bishop for his outstanding virtues, died on September 7th, in the year 1208.

On October 3rd, Ismidus, Bishop of Dium, a canon of the church of Saint-Étienne in Lyons, illustrious in virtue and doctrine, and adorned with sacred vestments, peacefully rested in Christ on September 30th, in the year approximately 1115.

On November 6th, Leonian, Abbot of Vienna, born in Sabaria in Pannonia, captured by barbarians and brought to Gaul, first ruled the monks and nuns in Augustodunum, and then in Vienna for more than forty years, and at the beginning of the sixth century, he fell asleep in the Lord on November 13th.

On November 12th, Hesycheus, Bishop of Vienna, after Saint Mamertus, Bishop of Vienna, was elevated from the senatorial dignity to the episcopal office, he had two successors: Apollinaris, the Bishop of Valentia, and Avitus, the Bishop of Vienna.

On November 17th, Namatius, Bishop of Vienna, after having properly fulfilled civil duties, held and adorned the episcopal see until the day of his death, November 17th, in the year 559.

On December 5th, Aper, a priest, born near Senonas, and raised to the priesthood, leaving his own and his family and his homeland, went to Gratianopolis, where, near the Isar, he built a cell for himself and lived a solitary and penitential life, from which he departed in the seventh century on December 4th.

Now, since all the acts pertaining to the matter had been duly presented and distributed, with the esteemed and venerable Lord Bishop of Gratianopolis, together with the Chapter of his Cathedral Church, through the Reverend Alexander Grospellier, Promoter of the Cause, and the Most Eminent and Reverend Cardinal Dominic Ferrata, Relator in the Ordinary Congregation of Sacred Rituals, having convened at the Vatican on the designated day, the following question for discussion was proposed: ”Whether

Translated by churchlatin.ai, a product of Boyne Archives

it is established that there is a cult, or an exception from the decrees of the Most Holy Pope Urban VIII, concerning the aforementioned Servants of God, Theobald of Vienna, and the other sixteen Saints?"

[*Latin ed. p. 426*]

426, "From the Sacred Congregation of Rites?" And the Eminent and Reverend Fathers, entrusted with safeguarding the sacred rites, after hearing the report of the Cardinal Prefect, and also after hearing the voice and the written testimony of the Reverend Father Alexander Verde, Promoter of the Holy Faith, decided to respond: "Affirmatively, or it is established." December 1, 1903. All of which was reported to the Most Holy Lord, our Pope Pius X, by the undersigned Secretary of the Sacred Congregation of Rites, and His Holiness approved and ratified the Decree of the aforementioned Sacred Congregation on the 9th day of the same month and year. S. CARD. CRETONI, Prefect. L. S. R. D. PANICI, Archbishop of Laodicea, Secretary. Decree concerning the application of the Motu Proprio of November 22, 1903, in the form of an Instruction on sacred music. The Most Holy Lord, our Pope Pius X, by his Motu Proprio of November 22, 1903 (1), happily restored the venerable Gregorian chant, according to the fidelity of the codices, to its former use in the churches, and, at the same time, he gathered together the principal prescriptions, for the sanctity and dignity of the sacred functions in the temples, either to promote or to restore them, into a single body, which, by the fullness of his Apostolic power, he wished to have the force of law for the entire Church. Therefore, the same Most Holy Lord, through this Sacred Congregation of Rites, commands and directs that the aforementioned Instruction be received by all and be most faithfully observed, notwithstanding any privileges and exemptions whatsoever, even those specially designated, such as the privileges and exemptions granted by the Apostolic See to the major basilicas of the city, and especially to the Most Holy Church of the Lateran Palace. Furthermore, all privileges and commendations are likewise revoked, by which other and more recent liturgical chants are prescribed, according to the circumstances of things and times (1). The Italian text and the Latin version thereof are found respectively in this very volume, on pages 329 and 387.

[*Latin ed. p. 427*]

From the Sacred Congregation of Rites, 427: The Apostolic See and this Sacred Congregation having considered the matter, the same Holiness deigned benignly to grant that the aforementioned liturgical chants of more recent form, in those churches where they have already been introduced, may lawfully be retained and sung, until such time as it shall be possible to substitute for them the venerable Gregorian chant, according to the fidelity of the codices. Contrary decrees notwithstanding. Concerning all these matters, the Most Holy Pope Pius X ordered that the

Translated by churchlatin.ai, a product of Boyne Archives

present Decree be issued to this Sacred Congregation of Rites. January 8, 1904. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. PARENTIN. AND POLEN. Regarding the days on which the funerals of the deceased cannot be celebrated. The Most Reverend Lord John Baptist Flapp, Bishop of Parentin and Polen, humbly requested a solution to the following doubts from the Sacred Congregation of Rites: By Decree S. R. C. No. 3570, Corduba, dated January 27, 1883, it is stated: "That the funeral rites for the deceased, when the body is carried forth, cannot be celebrated in churches on the more solemn days of the first class, and that such funerals must be transferred to the following day, or at least to the hours after midday after the Vespers of the feast day, and the sacred functions, but abstaining from the sound of the funeral bell." And in the subsequent Decree, also S. R. C. No. 3946, Illerden, dated January 15, 1897, it is declared that the custom of ringing the bells for funerals, when they take place on the more solemn feasts, cannot be tolerated, and that the decrees, especially that of Corduba, dated January 27, 1883, for the first time, must be observed. Hence, the following questions are raised: I. Which specific days of the year, beginning from the first Vespers of the feast and extending to the entire following day, are to be considered included in the aforementioned Decree of Corduba? II. Whether any exception, according to the circumstances, can be granted from this rule, especially in cases where necessity arises.

[*Latin ed. p. 428*]

428 In order that the ecclesiastical funeral rites might be performed with some solemnity, and to which this exception should once be extended? And the Sacred Congregation of Rites, after hearing the report of the undersigned Secretary, and also the opinion of the liturgical commission, decided to respond as follows: To I. "All feasts which, according to the Index of Feasts published by the Sacred Congregation of Rites on August 22, 1893, with General Decree No. 3810 (1), are celebrated as primary feasts of the first class, and indeed by obligation: and if they are not by obligation, those Sundays to which the solemnity of the aforementioned feasts is transferred." To II. "The Most Reverend Bishop shall, with his prudence, ensure that the prescriptions of the Roman Ritual and the Decrees of the Sacred Congregation are observed." And thus it responded, on January 8, 1904. S. CARD. CRETONI, Prefect. L. "S. f D. PANICI, Archbishop of Laodicea, Secretary of COMPOSTELLANA. The Decree concerning the sound of instruments during the greater week, issued in Pisa on March 20, 1903, is to be considered a general decree. Since, according to the Decree of the Sacred Congregation of Rites issued in Pisa on March 20 of the recently elapsed year 1903 (2), it is not permissible for the chants of lamentation, the Responsoria, and the Psalm *Miserere* to be performed during the IV, V, and VI days of the Greater Week together with the instrument called "Harmo-

Translated by churchlatin.ai, a product of Boyne Archives

nium" and other noisy instruments, "a corda, violini, viole, controbassi," nor with the instrument "Harmonium" alone, the Most Reverend Lord Cardinal Joseph Maria Martin de Herrera y de la Iglesia, Archbishop of COMPOSTELLANA, reverently requested the same Sacred Congregation for a suitable declaration regarding the following question: Whether the aforementioned Decree should be considered a general, or universal, Decree, so that it obligates everywhere, notwithstanding any custom to the contrary, even one of long standing? (1) Cf. Acta S. Sedis, Vol. XXVI, page 179. (2) Which you will find reported in Vol. XXXV, page 625.

[*Latin ed. p. 429*]

FROM THE SACRED CONGREGATION OF RITES 429. And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and also the unanimous opinion of the Liturgical Commission, decided to respond as follows: "Affirmatively, since the Decree concerns rubrics pertaining to the entire Church, and in this case, provision is also made in the Motu Proprio of the Most Holy Pope Pius X concerning Sacred Music, dated November 22, 1903 (1), and in the subsequent Decree of the Sacred Congregation of Rites for the City and the World, of this day, January 8, 1904 (2)." S. CARD. CRETONI, Prefect. L. & S. f D. PANICI, Archbishop of Laodicea, Secretary, AURELIANEN. Decree concerning the Beatification and Canonization of the Venerable Servant of God, Joan of Arc, Virgin, commonly called the Maid of Orleans. CONCERNING THE QUESTION: Whether it is established that she possessed the theological virtues of Faith, Hope, and Charity, in God and towards her neighbor, and the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and their corresponding virtues, in a heroic degree, in the case and to the extent of what is being considered. It pleased Almighty God, in the fifteenth century, to inspire a young woman with a manly spirit, who, emulating Deborah, Jael, and Judith, might more truly and properly claim for herself the rare qualities of a woman, as is read in the sacred Scriptures: "She girded her loins with strength, and strengthened her arms." It was fitting that this miracle should be granted to a people most noble in lineage and in military glory, so that, just as this people once owed its salvation and dignity to the Maid of Orleans, so too, in this present and most turbulent time, it may learn to expect gifts of peace and justice from her, to whom the Church today, with the most auspicious blessings, declares the glory of heroic virtues. Venerable Servant of God, Joan of Arc, in the village of Domremy, near Vaucouleurs, on the borders of Champagne and Lorraine, (reference to date). (1) Cf. Acta S. Sedis of this volume, pages 529 and 587. (2) Cf. Also, page 426.

[*Latin ed. p. 430*]

4>30 According to the sacred rites, this narrative was published in the

Translated by churchlatin.ai, a product of Boyne Archives

year 1302. It concerns a most pious young woman, born into humble circumstances. Devoted to domestic duties, and often assisting in tending her father's flock, she found delight in God, spending much time in prayer within the temple of her town. She also showed singular charity towards her neighbors, comforting the sick, relieving the afflicted, and helping others with such generosity that she sometimes deprived herself of necessary comforts, lest the weary lack rest on their journeys. She maintained this virtuous way of life until the eighteenth year of her age. At that time, affairs in France were in a very precarious state, due to the turbulent reign of Charles VII, who was forced to flee to the southern parts of his kingdom. There, beset by the English, the Britons, and the Burgundians, with his meager forces and fortifications constantly under attack, he barely maintained the name of Riez. Indeed, the fate of the entire kingdom hung in the balance before the walls of Orléans, and the English hoped that by breaking through, they could devastate France and secure victory. In this extreme situation, when even the most courageous leaders lacked courage and resolve, the salvation of the realm rested on a woman. To this young woman, four years prior, the apparition of the Archangel Michael had appeared, surrounded by a vast multitude of heavenly beings, and she had heard a voice from the heavenly host commanding her to hasten to Orléans and to lead Charles, the king, to be consecrated in Rheims. The young woman was initially astonished; but after repeated visions and voices, and after being joined by the celestial leader and the holy virgins Catherine and Margaret, she yielded to the divine commands, and dedicated her virginity to God, as a pledge of obedience. She exercised great prudence in concealing this secret; and later, when the truth was discovered by her parents, they were deeply moved. After all these events, and at the urging of her uncle, she was brought by him to Robert de Baudricourt. He initially received the young woman's proposals with laughter; then, after considering them, he began to take them more seriously, and finally, without delay, he equipped her with arms, horses, and a company of soldiers, and ordered her to appear before the king. After she had met with the Venerable Joan and revealed certain secrets to her, known to no one else, and after she had been granted authority, she set out for Orléans with an army. Upon entering the city, and with a terrifying charge, she attacked the enemy, repelling all their assaults, breaking through their fortifications, and raising her banner.

[*Latin ed. p. 431*]

From the Sacred Rituals, 431, she was carried away. With equal wonder, she moved Charles, so that he might be consecrated by the royal authority in Rheims. To these things, which God had commanded her, she added, with more than manly fortitude, and she received a reward worthy of human justice, with no less virtue and constancy. Having been captured in a certain purchase by the Burgundians, she was unjustly sold to the

Translated by churchlatin.ai, a product of Boyne Archives

English, who intended to fill their hearts with the cruelest murder of a virgin. Brought to Rouen and dragged before the court, she was found to be innocent of all charges, except for her chaste conduct. Finally, by the most corrupt judges, the innocent virgin was condemned to the punishment of burning, which she bravely endured on the tenth day of the month of May in the year 1431, with her eyes fixed on the Cross of Christ, with fervent prayers, and imploring forgiveness for those who were the authors of her death, before a very large crowd. Twenty-four years after her death, by order of Pope Callistus III, who entrusted the matter to the Bishop of Rheims and others, so that the entire cause might be examined anew, the judgment previously rendered was overturned, and the reputation of the Venerable Servant of God was restored, of whose innocence scarcely anyone doubted. However, as the fame of her sanctity and the miracles, by which God seemed to wish to illustrate her, grew daily, the most distinguished men, especially from France, made supplications to the Apostolic See, that, just as the integrity of the girl had once been vindicated by the Vicar of Christ, so that a decree might also be issued by him, by which heavenly honors would be conferred upon her. Therefore, after many testimonies had been collected from the dioceses of Orleans, Verdun, and Saint-Deodatus, and these had been presented to the Congregation of Sacred Rites, it was declared by the Most Holy Pope Leo XIII, of blessed memory, on the twenty-seventh day of the month of January in the year 1894 (1), that the introduction of the cause should be marked. The Apostolic processes followed; and, with the validity of which confirmed, the degree of heroic virtue of the Venerable Servant of God was discussed in the Congregation of Sacred Rites, first in the preparatory meeting in the house of the Most Reverend Cardinal Lucidi, and of the Reverend Father Maria Parocchi, on the sixteenth day before the Kalends of January in the year 1901; secondly, in the preparatory meetings at the Vatican, on the sixteenth day before the Kalends of April of the immediately preceding year; and finally, in the general assembly held there before the Most Holy Pope Pius X in the same year, on the fifteenth day before the Kalends of December. When, by the Most Reverend Cardinal (1) Cf. Acta S. Sedis, vol. XXVI, page 500.

[*Latin ed. p. 432*]

432 From the Sacred Congregation of Rites, concerning the cause of Dominic Ferrata, the Relator had raised the following question: "Whether it is established that the theological virtues of Faith, Hope, and Charity, both in God and in neighbor, and the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, along with their associated virtues, were present in the Venerable Servant of God, Joan of Arc, in a heroic degree, in the case and to the extent of what is being considered." The Most Reverend Cardinals presiding over the Sacred Rites and the Consultor Fathers each presented their opinions. After these votes were considered, the Most Holy

Translated by churchlatin.ai, a product of Boyne Archives

Pope Pius X, refraining from giving a definitive judgment at this time, encouraged those present to seek divine guidance in this matter of such gravity. Today, on this day sacred to God the Savior, who revealed Himself to the nations through the star, which is also the day of the birth of the Venerable Servant of God, Joan, who would one day shine forth like a brilliant flame, both on earth and in the heavenly Jerusalem, the Most Holy Pope, having completed the sacred ceremony, entered this noble Vatican hall and, seated on the pontifical throne, summoned the Most Reverend Cardinals Seraphin Cretoni, Prefect of the Sacred Congregation, and Dominic Ferrata, Relator of the cause; also present were the Reverend Father Alexander Verde, Promoter of the Faith, and I, the undersigned Secretary, and, in their presence, solemnly declared: "It is established that the theological virtues of Faith, Hope, and Charity, both in God and in neighbor, and the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, along with their associated virtues, were present in the Venerable Servant of God, Joan of Arc, in a heroic degree, in the case and to the extent of what is being considered, so that the process may proceed to the further stages, namely, to the examination of the four miracles." This Decree was ordered to be published and recorded in the acts of the Sacred Congregation of Rites on the eighth day before the Ides of January, in the year 1904. S. CARD. CRETONI, Prefect. L. v£(S. t D. PANICI, Archbishop of Laodicea, Secretary.

From the Diary, Wednesday, December 22, 1903, a preparatory meeting of the Sacred Congregation of Rites was held in the home of the Most Eminent and Reverend Lord Cardinal Dominic Ferrata, the President, concerning the cause of: Lycien. - The canonization of the Blessed Pompilia Maria Pirrotti by the Congregation of Matris Dei Schools for the Poor, under the patronage of Saint Nicholas.

[*Latin ed. p. 433*]

From the Sacred Rites, number 433, concerning the Piarists. – Regarding a Doubt: "Whether and concerning which miracles it can be established, after the veneration granted to the aforementioned Blessed one, in the case and for the effect of which we are speaking." The Reverend Fathers, Consultors in Theology, and the Illustrious and Reverend Lords, Consultors from the Episcopate, were present, and they gave their opinions, as well as the Eminent and Reverend Lords Cardinals, Prefects of the Sacred Roman Congregation. On the third day of the week, on the 12th of the month of January, in the year 1904, a preparatory meeting was held in the Vatican Apostolic Palace by the Congregation of Sacred Rites, concerning the cause of: Romana, or Parisian. – For the Beatification and Canonization of the Venerable Servant of God, Magdalene Sophia Barat, foundress of the Society of Sisters of the Sacred Heart of Jesus. – Regarding a Doubt: "Whether it can be established concerning the theological virtues of Faith, Hope, and Char-

Translated by churchlatin.ai, a product of Boyne Archives

ity in God and towards one's neighbor, and also concerning the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and those virtues connected with them, in a heroic degree, in the case and for the effect of which we are speaking." The Reverend Fathers, Consultors in Theology, and the Illustrious and Reverend Lords, Consultors from the Episcopate, were present, and they gave their opinions, as well as the Eminent and Reverend Lords Cardinals, Prefects of the Sacred Roman Congregation. On the third day of the week, on the 26th of the month of January, in the year 1904, a General Congregation of the Sacred Rites was held before the Most Holy, concerning the causes of: Bellieien. – For the Beatification and Canonization of the Venerable Servant of God, John Baptist Vianney, Parish Priest of Ars. – Regarding a Doubt: "Whether and concerning which miracles it can be established in the case, and for the effect of which we are speaking." Strigonien, or Cassovien. – For the Beatification or Declaration of the Martyrdom of the Venerable Servants of God, Mark Crismi, Canon of Strigonien, Stephen Pongracz, and Melchior Grodecz, Priests of the Society of Jesus, who were killed by heretics in Cassoviae, for hatred of the faith. – Regarding a Doubt: "Whether, with the approval of the martyrdom and of its cause, and also concerning the signs or miracles that illustrate the martyrdom itself, the proceedings can safely continue." Acts, Volume XXXVI, page CDXXVI1, 28.

[*Latin ed. p. 434*]

434 - FROM THE SACRED CONGREGATION FOR INDULGENCES, it is possible to proceed with the Beatification of the aforementioned Venerable Servants of God. Present were, and they offered their support regarding two doubtful questions, the Reverend Fathers Consultors in Theology, the Illustrious and Reverend Lords Consultors of the Prefecture, as well as the Eminent and Reverend Lords Cardinals, Prefects. FROM THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS: The Secular Tertiaries of Sorrento do not enjoy any communion of Indulgences with their respective Orders, and a new summary of Indulgences is being presented for approval. The Sacred Congregation, which presides over Indulgences and Sacred Relics, has already sufficiently made known its opinion regarding the communion of Indulgences and graces among Secular Tertiaries of different Orders. To a question posed, "Whether, excluding the Secular Tertiaries of Saint Francis and the Servants of the Blessed Virgin Mary, for whom provision has been made by the Constitution *Misericors Deus Filius* and by the Rescript of December 15, 1883, respectively, the Secular Tertiaries of other Orders enjoy the communion of Indulgences, either with the respective Order to which they belong, or with other Tertiaries and their Orders?" this Sacred Congregation responded on January 31, 1893: "Negatively, unless there is a special Indult." Nevertheless, not long after, the following question was again presented to the same Sacred Con-

Translated by churchlatin.ai, a product of Boyne Archives

gregation: "Whether a reciprocal communion of Indulgences and graces is granted among Secular Tertiaries of different Orders, to the Orders to which the Tertiaries themselves belong?" And the Most Eminent Fathers, in the General Congregations held at the Vatican, on July 15, 1902, responded: "In accordance with the decisions made in the General Congregation of January 31, 1893, regarding question number XVI; and it is requested that His Holiness would deign to provide, for each Tertiary Order, after removing any Indult, even a special one granted, with the communion of Indulgences, by granting [an Indult] similar to that which has been granted to the Tertiary Order."

[*Latin ed. p. 435*]

FROM THE SACRED CONGREGATION OF INDULGENCES, 435. Saint Francis, by the Brief *Quia multa*, dated September 7, 1901; and with regard to this matter, it is desired that the Reverend Fathers Generals of the Religious Orders, who have a Third Order, present to this Sacred Congregation a new summary of those Indulgences which they wish to obtain for their respective Third Orders. Concerning all of these matters, a report was made to His Holiness, Pope Leo XIII, by the undersigned Cardinal Prefect, in an audience held on July 18, 1902; and His Holiness confirmed the resolutions of the aforementioned Fathers, and ordered that they be put into effect. Given in Rome, from the Secretariat of the same Sacred Congregation, on July 18, 1902. S. CARD. TRIPEPI, Prefect. L. & S. Reverend Father Francis, Archbishop of Amiden, Secretary. Joseph M. Can. COSELLI, Substitute.

URBIS ET ORBIS Indulgence of 50 days is attached to the ejaculatory prayer, "Deus sit benedictus." It is customary for the faithful to, while hearing blasphemies against God, the Blessed Virgin, or other Saints, and in order to, in some way, repair such great impiety, to bless the Holy Name of God with this ejaculatory prayer: "Deus sit benedictus!" (May God be blessed!). That this most pious practice may be spread more and more, prayers were offered to His Holiness, Pope Pius X, that He would deign to grant some Indulgence to the faithful who pronounce the aforementioned ejaculatory prayer. And His Holiness, in an audience held on November 28, 1903, with the undersigned Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, graciously accepting the prayers, granted an Indulgence of fifty days, applicable also to the deceased, to be obtained as often as the faithful, hearing blasphemies, pronounce the same ejaculatory prayer with at least a contrite and devout heart. This [decree] is valid forever. Notwithstanding anything to the contrary. Given in Rome, from the Secretariat of the same Sacred Congregation, on November 28, 1903. A. CARD. TRIPEPI, Prefect. L. t$¡ S. T F. SOGARO, Archbishop of

Translated by churchlatin.ai, a product of Boyne Archives

Amiden, Secretary.

[*Latin ed. p. 436*]

456 REGARDING INDULGENCES. Indulgences are granted to those who recite the Antiphon with its verses and the Prayer in honor of St. Stephen, the first martyr. Most Blessed Father, Nicholas Camilli, titular Archbishop of Tomi, humbly prostrated before the Holy Foot, implores from Your Holiness some indulgence for all those who shall recite the following Antiphon with its verses and the Prayer in honor of St. Stephen, the first martyr (1): Antiphon: The Apostles chose Stephen, a Levite, full of faith and the Holy Spirit, whom the Jews stoned while he was praying and saying: "Lord Jesus, receive my spirit, and do not hold this sin against them." V. Through the merits and prayers of Blessed Stephen. R. Be merciful, O Lord, to your people. Prayer: Almighty and eternal God, who dedicated the first fruits of the martyrs in the blood of the blessed Levite Stephen: grant, we beseech you, that he may be our intercessor, who prayed for our Lord Jesus Christ, your Son, even for his persecutors, who lives and reigns forever and ever. R. Amen. From the Audience of His Holiness, on January 3, 1904. His Holiness, our Pope Pius X, benignly grants to all the Christian faithful of both sexes, who shall recite the aforementioned Antiphon with its verses and the Prayer, at least with a contrite and devout heart, an indulgence of three hundred days, to be obtained once a day; and to those Christian faithful who shall have recited the same Antiphon with its verses and the Prayer daily throughout the year, a plenary indulgence is graciously granted on August 3rd and December 26th, provided that on those days, the same Christian faithful are truly penitent, have confessed, and have received Holy Communion, and visit some church or public oratory, and there offer pious prayers to God, according to the intention of His Holiness: and that the same Holiness has declared that these indulgences are also applicable to the deceased (1) (Version). Nicholas Camilli, titular Archbishop of Tomi, having humbly prostrated himself before the Holy Foot, asks from Your Holiness some indulgence for all those who recite the following Antiphon with its verses and the Prayer in honor of St. Stephen, the first martyr.

[*Latin ed. p. 437*]

From the Sacred Congregation of Extraordinary Ecclesiastical Affairs, No. 437, it is declared. This present decree is valid forever, without any further brief dispensation. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the Sacred Congregation for Indulgences and Sacred Relics, on the 23rd of January, 1904. A. CARD. TRIPEPI, Prefect. L. © S. •j F. SOGARO, Archbishop, Secretary.

From the Sacred Congregation for Extraordinary Ecclesiastical Affairs, privileges are granted to Benedictine Missionaries in Holland and

Translated by churchlatin.ai, a product of Boyne Archives

Germany.

Most Blessed Father, Don Gottardo Heigl, a Benedictine of the Cassinese Congregation of the primitive observance, Abbot Visitor of the Province of Belgium, prostrate before the Holy Feet, implores Your Holiness to extend to the Benedictine Religious who are engaged in missions in Holland and Germany, the same privileges that were granted to the Benedictine Missionaries in Belgium by a Decree of February 17, 1903.

That, etc. (1).

Having heard, at the Audience of Your Holiness, on the 24th of November, 1903, Our Lord Jesus Christ, through the divine Providence of the Pope, with the reference of the aforementioned Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, has graciously approved the granting of the favor, according to the prayers expressed in the form and terms of the aforementioned request (Version).

Reverend Father Gottardo Heigl, a Benedictine of the Cassinese Congregation of ancient observance, Abbot Visitor of the Province of Belgium, having prostrated himself before the Holiness of Your Person, implores the extension of the privileges which were granted by Decree of February 17, 1903, to the Missionaries of the Order of Saint Benedict, to the Religious Missionaries of the same Order in Holland and Germany.

And God, etc.

[*Latin ed. p. 438*]

458 FROM the SACRED CONGREGATION FOR ECCLESIASTICAL AFFAIRS, EXTRAORDINARY SECTION, a decree dated February 17, 1903 *). Contrary opinions notwithstanding. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the day, month, and year mentioned above. L. © S. f PETRUS, Archbishop, Secretary. *) The abovementioned RESCRIPT was issued after an audience with His Holiness, on February 17, 1903. His Holiness, Pope Leo XIII, by divine Providence, having graciously considered the request of the undersigned Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, and having favorably received the prayers of the petitioner, has deigned to grant the following spiritual benefits: 1. A plenary indulgence to all Christian faithful of both sexes who shall participate in the sacred missions, which the aforementioned Religious of the Order of Saint Benedict will conduct in the dioceses of Belgium, and who shall have listened to at least half of the sacred sermons; provided that they are truly contrite, have received sacramental absolution, and have received Holy Communion, and that they shall visit a church and, according to the will of His Holiness, offer devout prayers to God: this plenary indulgence is also graciously granted to the aforementioned Religious who are conducting the missions. 2. To the aforementioned Religious, the faculty of bestowing, at the conclusion of the missions,

Translated by churchlatin.ai, a product of Boyne Archives

the apostolic blessing with a plenary indulgence for the faithful who are present at the blessing, provided that they have participated in at least five sacred missions, and have received the Sacrament of Confession and Holy Communion, as mentioned above, and have prayed to God according to the will of the Holy Father: the image of the Crucifix shall be used for the blessing, and the prescriptions of the Constitution of Blessed XIV, which begins "Exemplis Praedecessorum," shall be observed. 3. The faculty of erecting and blessing, with the consent of the Ordinaries, at the conclusion of the missions, iron or wooden crosses, and to grant the following indulgences: a) An indulgence of three hundred days to all the faithful who shall devoutly participate in the erection of the crosses; b) An indulgence of five years, and also seven times seven quadragenaries, once a day, to all who, with at least a contrite heart, shall recite three times the words "Our Father," "Hail Mary," and "Glory Be" before the aforementioned crosses, in memory of the three hours of the Passion of Our Lord Jesus Christ, and one prayer according to the will of the Holy See; c) An indulgence of seven years and seven times seven quadragenaries.

[*Latin ed. p. 439*]

FROM THE APOSTOLIC PENITENTIARY, 439, as mentioned above, reciting, before the Crucifixes, seven Hail Marys in honor of the seven Sorrows of the Blessed Virgin Mary. 4. A plenary indulgence, fulfilled with the conditions prescribed by the Church, is granted to all the faithful on the anniversary of the erection of the Mission Cross, or, if this day is a weekday, on the following Sunday, as well as on the feast of the Finding and Exaltation of the Holy Cross, or on the following Sunday, as mentioned above. Moreover, the same Holy See mercifully permits these indulgences to be applied for the souls in Purgatory. Finally, the Most Holy Lord grants to these religious the power to, in the Sacrament of Confession, exchange Holy Communion for another pious work for children who have not yet been admitted to it, and for assistance to the sick. Contrary things notwithstanding. Given in Rome, from the Secretariat of the same Holy Congregation, on the aforementioned day, month, and year. L. © S. i PETRUS, Archbishop, Secretary. FROM 3. THE APOSTOLIC PENITENTIARY. A doubt concerning a rescript obtained regarding a matrimonial dispensation. Most Eminent Prince, Titius, still in the prime of his life, has lost his wife, Caius, who died leaving behind a young girl. After the death of Caius, Titius began to desire Sempronia, the sister of this woman, and, wishing to marry her, obtained a dispensation, after having paid a sufficiently large sum. It seems that things proceeded well; but now, Titius, tormented by his conscience, doubts the validity of the dispensation; for he alleged, as the sole motive for obtaining the dispensation, and for inclining Sempronia to consent, a promise made, saying that he would lead Sempronia to [her] husband when Caius was dying. However,

Translated by churchlatin.ai, a product of Boyne Archives

Caius had not said a word about this. Titius, however, not daring to reveal the matter to his Confessor out of shame, took a sufficiently long journey under the pretext of business, during which he arrived at a certain church, and there he revealed his anxieties, asking for a solution from the confessor. This confessor, immediately declaring himself unable to resolve the case, dismissed the penitent after carefully questioning him about the circumstances of the marriage, and, with caution, through letters.

[*Latin ed. p. 440*]

Moreover, from the Sacred Penitentiary, in one or two words, so that a woman who opens letters pertaining to a matter requiring the absence of her husband may not suspect any past fraud, a solution is indicated. Therefore, the confessor, having considered everything within himself, on the one hand, observes that several, it seems, were present in the case of the dispensation, which, although the husband did not allege them, nevertheless, so that the matter may be ascertained, the priest delegated for the inquiry into the dispensation could have manifested: for example, the necessity of providing for the education of the children, the danger of incontinence, the advanced age of the woman, and, as I omit the rest, the value of the dowry to be settled, taking into account the condition of both contracting parties; especially since it is easily granted in current discipline, so that, especially as faith cools, more serious damages are almost always to be feared, the very petition for the dispensation sometimes seems to be the sole motive for its concession.

Furthermore, it does not appear that the motive alleged by the husband is sufficient in itself, if a grave reason were required for such a dispensation, and therefore the Supreme Tribunal was not primarily moved to grant it; hence, even if this were not verified, other principal motives might subsist.

Having considered all these things, the confessor hesitates, and is not able to give a decisive answer to the penitent, and therefore requests from the Sacred Tribunal:

I. Whether he can answer Titus that he should acquiesce? And, if negatively,

II. How earnestly he requests that, considering the greatest difficulty of recalling Titus, and of that man seeking another confessor, and of manifesting to Sempronia the nullity of the marriage already contracted, that Titus be granted a healing at the root without the burden of renewing his consent before the confessor and informing the other party. And God.

The Sacred Penitentiary, concerning the above, states: According to what has been explained, the petitioner, concerning whom we pray, should completely acquiesce, both with regard to the doubt about the validity of the dispensation, and also with regard to his marriage with Sempronia.

Given in Rome, in the Sacred Penitentiary, on the 24th day of... 1903.

Translated by churchlatin.ai, a product of Boyne Archives

V. LUCHETTI, S. P., Canonist.
A. Can. MARTINI, S. P., Secretary.

[*Latin ed. p. 441*]

441 APPENDIX I. * COMMENTARY on the Decree of the Sacred Congregation, "Urbis et Orbis," of August 14, 1903, concerning the votive Mass solemnly dedicated to the Immaculate Conception (1). The Supreme Pontiff, Pius X, in order that the faithful may be prepared to celebrate with due piety and devotion the quinquennial solemnities of the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary, through the Decree of the Sacred Congregation of August 14, 1903 (2), graciously granted the privilege of the votive Mass of the Immaculate Conception, as well as, through Apostolic Letters in the form of a Brief of December 7, 1903 (3), special indulgences for those who attend the pious function in honor of the Blessed Virgin Mary Immaculate, either each month, or for those who travel to the City of Rome, during the entire year of 1904. Our observations, omitting others, refer solely to the privilege of the votive Mass of the Immaculate Conception, both for the benefit of the readers, and because some things that have been said or written on this matter seem to us to be less correct, or less in conformity with the tenor of the aforementioned Decree of the Sacred Congregation. Our readers will not disdain to review the Decree "Urbis et Orbis," of August 14, 1904, which is reproduced in this volume on page 58. 1. The Most Holy Pope Pius X... (thus our Decree)... has granted that, during the current year, from the next feast day of the Immaculate Conception of the Blessed Virgin Mary, on the eighth day of each month, or, for just reasons, on the Sunday immediately following... Therefore, the Pontiff granted that, during the year 1904, the votive Mass of the Immaculate Conception be celebrated on the eighth day of each month, or, if a reasonable cause intervenes, on the immediately following Sunday (4). This Mass is the "Gaudens gaudebo," which is found among the Masses that are to be used as votive Masses throughout the year, at the end of the Missal (1). In preparing this Commentary, we have had before our eyes, in particular, what Doctor Petrus Piacenza elaborated in the journal "Ephemerides Liturgicae." (2) Which was reproduced in this volume on page 58. (3) Cf. Acta S. Sedis of this volume, pages 315-347. (4) Petitions were presented to the Sacred Congregation, so that this privilege of the votive Mass of the Immaculate Conception, valid only for the current year of 1904, might be extended to future years perpetually; but, as far as we know, these petitions have not yet been granted.

[*Latin ed. p. 442*]

442 APPENDIX I. [The Mass] may be celebrated, either in the church or in the chapel of the Missal, on the very day of the feast of the Immaculate Conception. A just reason for transferring this votive Mass from the eighth

Translated by churchlatin.ai, a product of Boyne Archives

day of the month to the next following Sunday is given, for example, when the faithful, especially those engaged in rural work, are unable to attend Mass on a weekday. 2 In churches or chapels where, with the approval of the local Ordinary, certain acts of piety are performed in honor of the Blessed Virgin Mary, Immaculate, preparatory to the fiftieth anniversary of the proclaimed dogmatic definition... This votive Mass of the Immaculate Conception can be celebrated either in churches or in chapels, whether public, semi-public, or even private, provided that two conditions are met: namely, that there is the approval of the local Ordinary, and that in those same churches or chapels certain acts of piety are performed in honor of the Virgin Immaculate. It is well known what is understood by the term "church" or "chapel" of the triple kind, as will be evident hereafter, especially from the Decree of the Holy Roman Church concerning semi-public chapels, no. 4007, of January 23, 1899 (1); therefore, we consider it superfluous to dwell on this matter further. However, we wish to note that the principal chaplain of seminaries, colleges, and other communities should have semi-public chapels; on the contrary, other chapels, if any exist in those places, should be considered private chapels. By the authority of the Ordinary, in accordance with the Instruction of the Holy Office of February 20, 1888, § 2 (2), in our case, these are "Bishops, Administrators, or Apostolic Vicars, Prelates or Prefects who have jurisdiction in the external forum, and their general vicars, and in the absence of a bishop, the Capitular Vicar or legitimate Administrator." It is their duty to designate the churches and chapels for the performance of such acts of piety in honor of the Virgin Immaculate, and even to prescribe certain pious prayers. In some cases, it may suffice to recite the Rosary beforehand, or to say the prayer to the Immaculate Virgin, "Most Holy Virgin" or "Most Blessed Virgin," composed by Pope Pius X (3), together with the [appropriate] prayers.

(1) Cf. Acta S. Sedis, Vol. XXXI, page 412.

(2) Also, Vol. XXI, page 694.

(3) Also, the present volume, pages 66-68.

[*Latin ed. p. 443*]

COMMENTARY 443: After the "Hail, Mary, full of grace, the Lord is with thee," and "Rejoice, O Virgin, for thou hast conceived," the Litanies of Loreto are recited, and then the devotion is concluded with the usual Benediction of the Most Holy Sacrament, with the monstrance or even with the blessed Pix. This pious function, unless the Ordinary has otherwise decreed, we believe can be performed both in the morning and in the evening, according to the convenience of the faithful and the practice commonly received in similar functions. For the Pontiff has not entirely prescribed the time for the performance of this function, and therefore, here the saying applies: "The legislator has expressed what he willed, and has not expressed what he did not will." And this is indeed true,

Translated by churchlatin.ai, a product of Boyne Archives

for when the Supreme Pontiff wished that such a function be performed in the morning, he expressly stated it, as can be seen in the Decree of the Sacred Congregation, n. 3712 "Urbis et Orbis," of June 28, 1889 (1), concerning the votive Mass for the Most Sacred Heart of Jesus. It should also be noted that to this pious function, and not to the votive Mass for the Immaculate Conception, are attached indulgences, which the Roman Pontiff granted in the aforementioned Apostolic Letters of September 7, 1903: for this is clearly derived either from the very words of the pontifical concession, or also from the fact that the votive Mass itself confers the privilege. Nevertheless, there are those who say that this aforementioned pious function should only be performed in the morning, together with the celebration of the votive Mass. 3. A single votive Mass, whether sung or said, can be celebrated for the Immaculate Conception of the Most Holy Virgin herself. The solemn votive Mass for the Immaculate Conception can be, at will, either sung or said, without losing its mark of solemnity. In cathedral and collegiate churches, and in other churches or chapels which are subject to the recitation of the Divine Office, the votive Mass for the Immaculate Conception must be sung or said after the Non, according to the rubrics of the Missal, Title X, chapter V, n. 5; for other churches, no specific time is prescribed. Furthermore, this solemn votive Mass must be a single Mass; this is verified in both solemn and semi-solemn Masses. However, in semi-solemn Masses, in addition to the solemn votive Mass for the Immaculate Conception, which alone enjoys the privileges of the votive Mass for a grave matter, other private votive Masses can also be celebrated (1). Cfr. Acta S. Sedis, Vol. XXI, page 694.

[*Latin ed. p. 444*]

444 APPENDIX I. Concerning the Immaculate Conception, according to the rubrics for its observance. Thus, the days of July 8th and August 8th in the year 1904 fall on a semi-double feast. Furthermore, it must not be omitted that the solemn votive Mass for the Immaculate Conception cannot be celebrated on feast days in those churches, whether conventual or parochial, where only one Mass is celebrated, because, according to Decree No. 3887 of February 21, 1896 (1), it must then conform to the Office of that day (2). Some believe that this conventual or parochial Mass excludes the commemoration of the simple feast and the Collects, since it takes the place of the solemn votive Mass for the Immaculate Conception, which is then prevented; we, on the contrary, believe that the opposite must be held, because the Mass of the day does not, of itself, confer any solemnity, nor can it receive the solemnity from the votive Mass, which, in the hypothetical case, is prevented. However, whoever has the faculty of celebrating two Masses on a feast day, in the same conventual or parochial church, can celebrate the first according to the Office of the day, and the second solemnly for the Immaculate Conception, with the same privileges that

Translated by churchlatin.ai, a product of Boyne Archives

belong to the solemn votive Mass for a grave and public matter concerning the Church, according to Decree No. 3922 concerning Votive Masses, June 30, 1896, § 7 (3), and those that were granted to the votive Mass of the Most Sacred Heart of Jesus on the first Friday of each month, according to Decree No. 3712 of Urbis et Orbis, June 28, 1889 (4), and subsequent declarations: so that such a Mass may be said with the Gloria and Creed and a single Prayer, and provided that it does not coincide with a double feast of the first class or a Sunday of the first class, or any feast of the same Blessed Virgin Mary, Feria, Vigilia, or Octava, by special privilege. Therefore, the votive Mass for the Immaculate Conception enjoys the same privileges that have been granted in general to solemn votive Masses for a grave matter, and in particular to the votive Mass of the Most Sacred Heart of Jesus. But what are these privileges? Firstly, the solemn votive Mass for a grave matter, whether sung or said, must always be celebrated (1) Cf. Acta S. Sedis, Vol. XXVIII, page 561. (2) Some have petitioned the Sacred Congregation of Rites to consider granting an indulgence to celebrate the votive Mass for the Immaculate Conception in place of the Mass of the day, but they have received a negative response. (3) Cf. Acta S. Sedis, Vol. XXXV, page 741. (4) Cf. » » Vol. XXI, page 694.

[*Latin ed. p. 445*]

COMMENTARY 445, along with "Gloria in excelsis." The Creed and the unique prayer are recited; for these are the words of the cited Decree, no. 3922, concerning votive Masses, § II. The same is to be repeated concerning the votive Mass of the Divine Heart of Jesus, as is evident implicitly from the aforementioned Decree of the City and the World, no. 3712, and explicitly from the declarations that follow; namely, the Decrees no. 3731, issued in Monte Polito on May 20, 1890 (1), no. 3769, issued in Urgellen, on the third day, no. 3773, issued in Rhenen (2), and no. 3792, issued in Strigoniensis (3). Therefore, even the solemn votive Mass of the Immaculate Conception, whether sung or read, is celebrated with the "Gloria," the Creed, and the unique prayer, "so that (these are the words of our Decree) such a Mass is said with the 'Gloria' and the Creed and the unique prayer" of the Immaculate Conception, omitting all commemorations and collects; and the preface is said of Blessed Mary, Virgin, "And you, in your Immaculate Conception." Furthermore, according to the aforementioned general Decree, no. 3922, concerning votive Masses, § II, "A solemn votive Mass for a grave matter may be celebrated on any day, except for Sundays of the first class, and also for double feasts of the first class, and for Feria IV of Ashes, and for the weekdays of the Greater Week, and for the Vigil of Pentecost and the Nativity of the Lord." Also, according to the aforementioned Decree, no. 3712, the votive Mass of the Sacred Heart of Jesus may always be celebrated "provided that it does not fall on any feast of the Lord, or a double feast of the first class, or a Feria, Vigil, or Octave of priv-

Translated by churchlatin.ai, a product of Boyne Archives

ileged feasts." Therefore, even the solemn votive Mass of the Immaculate Conception may be celebrated on any day "provided that (these are the words of our Decree) it does not occur on a double feast of the first class, or on a Sunday of the first class, or on any feast of the same Blessed Virgin, or on a Feria, Vigil, or Octave of privileged feasts." All agree that the votive Mass of the Immaculate Conception is entirely excluded from celebration on these excepted days; the question concerns only the privileged Octaves, in which we believe, contrary to others, that such a Mass is prohibited. And above all, the votive Mass of the Immaculate Conception is prohibited on a double feast of the first class; however, since 1904, according to the universal calendar, [reference].

(1) Cf. Acta S. Sedis, Vol. XXII, page 738.

(2) Cf. Acta S. Sedis, Vol. XXIV, page 739.

(3) Cf. Acta S. Sedis, Vol. XXV, page 575.

[*Latin ed. p. 446*]

446 APPENDIX I. which falls on the eighth day of some month during such feasts; which, nevertheless, may occur according to the particular calendar. The votive Mass of the Immaculate Virgin is also prohibited on Sundays of the first class; which happened in the year 1904 only for those who transferred this Mass in the month of April to the next Sunday, which is called "in Albis" and which is of the first class. Furthermore, according to the aforementioned Decree concerning Votive Masses, number 3922, which states "on the feasts and within the octaves of the same Blessed Virgin, the feast Mass or the Mass of the day within the octave shall be celebrated, as if it were not a votive Mass but a feast Mass," the votive Mass of the Immaculate is prohibited if it falls on any feast of the Blessed Virgin Mary. This was verified during the year 1904 on September 8th, on which fell the feast of the Nativity of the Blessed Virgin Mary, or on the following Sunday, on which the feast of her most holy Name occurred. Finally, such a votive Mass is prohibited on privileged weekdays, which, according to the aforementioned Decree, number 3922 concerning Votive Masses, are the fourth day of Cineres [Ash Wednesday] and the weekdays of the Greater Week; as well as on privileged vigils, which, according to the same Decree, are the vigils of Pentecost and the Nativity of the Lord. However, no eighth day of any month falls on these privileged weekdays or vigils. Nor is it permissible to infer from this that the aforementioned exceptions prohibiting the votive Mass of the Immaculate were placed in our Decree without due consideration; for the Holy Congregation of Rites, especially in general Decrees, considers the law in general, and not in particular in individual cases. Here, the controversy arises as to whether the votive Mass of the Immaculate is permitted or prohibited during privileged octaves; but there is no question, nor can there be, concerning simple octaves, since in these, this votive Mass is permitted. Some maintain that such a Mass can

Translated by churchlatin.ai, a product of Boyne Archives

be celebrated during privileged octaves, especially guided by the reason that, according to the aforementioned Decree concerning Votive Masses, number 3922, a votive Mass for a grave matter is not excluded during such octaves. We, however, hold the contrary opinion, which we believe to be true, contending that the votive Mass of the Immaculate should be entirely excluded during privileged octaves. We readily concede to our opponents that, in general, a votive Mass for a grave matter is permitted during the aforementioned privileged octaves, because in the aforementioned general Decree concerning Votive Masses, number 3922, there is no exception regarding this matter; indeed, at the end - of the same Decree, it is openly read "so that..."

[*Latin ed. p. 447*]

COMMENTARY 447: It is also stated that the "privilegiata" octave should have its own proper Preface said at the votive Mass. This is certainly true according to the general rule, but every rule has its exceptions. In our case, however, an exception is found, first, in the aforementioned Decree of the City and the World, no. 3712, in which the votive Mass of the Most Sacred Heart of Jesus is expressly prohibited on privileged octaves; a second exception exists in our own Decree, which explicitly excludes the votive Mass of the Immaculate Conception on privileged octaves. Otherwise, it would have to be said that the Sacred Congregation contradicted itself, which no one of sound mind would dare to say, or at least that it carelessly added this exception to the octave in our Decree, which should not be presumed. Therefore, we can conclude that the votive Mass of the Immaculate Conception is prohibited on privileged octaves. The privileged octaves for this purpose are four: Epiphany, Easter, Pentecost, and Corpus Christi. During the year 1904, only January 8th or the following Sunday occurred within the privileged octave of Epiphany, and April 8th fell within the privileged octave of Easter; on these days, the votive Mass of the Immaculate Conception must be omitted.

5. On these days, on which the votive Mass of the Immaculate Conception is forbidden, the Supreme Pontiff has granted that, in a single Mass, which is celebrated in place of the solemn votive Mass that is prevented, a Commemoration of the Immaculate Conception may be made under the same conclusion. And this is also verified even when, in the Mass of the day, other Commemorations and even Collects ordered by the Ordinary must be performed, e.g., on the 8th or 10th of the months of January and April, on which the votive Mass of the Immaculate Conception is prevented due to the privileged octave. The same must be said of parochial and conventual churches, where only one Mass is celebrated. On the feast days of the Blessed Virgin Mary, on which the votive Mass of the Immaculate Conception is excluded, neither can a Commemoration of her be made, because two prayers of the same Saint are prohibited.

Translated by churchlatin.ai, a product of Boyne Archives

6. Furthermore, the same Holiness has also generously granted this: that in the aforementioned churches or chapels, in addition to the aforementioned votive Mass, on every 8th day of the month or the immediately following Sunday, another Mass may be added.

[*Latin ed. p. 448*]

APPENDIX I. 448. Commemoration of the Immaculate Conception of the Blessed Virgin Mary, in the manner of a simplified double feast. Certain things must be noted, which pertain to other private Masses. And first, it must be noted that the Supreme Pontiff has granted the privilege of celebrating the Commemoration of the Immaculate Conception in these private Masses only to those churches or chapels in which the aforementioned acts of piety in honor of the Blessed Virgin Mary, Immaculate, are performed each year in the month of [Concepción]. This Commemoration is permitted, not more than under a single conclusion, but in its proper place, among the prescribed prayers of the Mass for that day, as is done with the simplified double. Therefore, this Commemoration of the Immaculate Conception must be performed in private Masses not only when a solemn Mass of the Immaculate Conception is permitted, but also when it is impeded, and the Commemoration itself takes the place of a single impeded votive Mass. Nevertheless, we believe that the Commemoration of the Immaculate Conception cannot be added to private Masses when a double of the first class occurs on the eighth day of the month or the following Sunday, because it is known to all that the commemoration of the simplified double must be omitted in doubles of the first class. Nor is the objection of the adversaries valid, who assert the contrary, and which is taken from Decree No. 3365, where it is said that the collection ordered by the Ordinary, if it is truly for a serious matter, may take place even in doubles of the first class under a single conclusion; for, all other things being equal, collections are in a different order than the prayers, and here we are dealing with a privilege, which admits of a strict interpretation. 7. However, all rubrics must be observed, namely, the rubrics must be observed in all those things which are not included in the privilege. D. I. B.

[*Latin ed. p. 449*]

449 ACTS OF THE ROMAN PONTIFF: ENCYCLICAL LETTERS. The Most Holy Pope Pius X, announcing an extraordinary Jubilee to the entire Catholic world, on the occasion of the fiftieth anniversary of the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary. TO THE VENERABLE BROTHERS, PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARYS OF PLACES, WHO HAVE PEACE AND COMMUNION WITH THE APOSTOLIC SEE. PIUS PP. X. Venerable Brothers, greetings and the Apostolic blessing.

Translated by churchlatin.ai, a product of Boyne Archives

The time draws near, within a brief interval of months, when our age will recall the day when, fifty years ago, Our predecessor, Pope Pius IX, of blessed memory, surrounded by the most distinguished assembly of purple-robed fathers and sacred prelates, with the authority of the unerring Magisterium, declared and promulgated that the most blessed Virgin Mary, from the very moment of her conception, was preserved free from all stain of original sin. That proclamation was received throughout the entire world with such joy and expressions of public gratitude and congratulations that no one is ignorant of it; and indeed, after the passage of time, no demonstration of devotion has been given, either more extensive or with greater common accord, to the august Mother of God and to the Vicar of Jesus Christ. Now, what prevents us, Venerable Brothers, even after the passage of half a century, from hoping that, with the renewed commemoration of the Immaculate Virgin, the joy of that holy event will, as it were, echo in our hearts, and that splendid spectacles of faith and love for the august Mother of God will unfold over a long period of time? Indeed, our piety, which We have always fostered with the Blessed Virgin, with the greatest benevolence and grace, urges us to hope this ardently; and the eagerness of all Catholics, always ready and prepared to offer repeated testimonies of love and honor, assures us of this.

[*Latin ed. p. 450*]

450 Encyclical Letters are to be addressed to the great Mother of God. Nevertheless, we shall not deny that this desire of ours is moved, above all, by the fact that, by a certain secret instinct, we seem to be urged to fulfill those great expectations, to which both our predecessor, Pius, and all the sacred prelates, having solemnly affirmed the Immaculate Conception of the Divine Mother, have been drawn, and which, alas, have not yet been fully realized. For how many are there who complain that peace has not come, and who, as it were, borrow the words of Jeremiah: "We have waited for peace, but it has not come; we have listened for the sound of salvation, but it has not been heard" (1). But who would not condemn such a lack of faith, who neglects to consider or to examine the works of God according to truth? For who would fail to perceive the hidden gifts of grace, which God has bestowed upon the Church, through the reconciling Virgin, during this entire time? And if anyone should wish to overlook these things, what should be thought of the Vatican Council, held at such an opportune time; what of the infallible teaching of the pontiffs, so aptly suited to refute the errors that are about to arise; and finally, what of the new and unheard-of fervor of piety, with which the faithful, from every class and every part, have long flocked to venerate the Vicar of Christ? Is it not a wondrous providence of God that, in one or the other of our predecessors, namely, Pius and Leo, during the most turbulent times, using their pontificate, which was

Translated by churchlatin.ai, a product of Boyne Archives

unique, they administered the Church so holily? To these things, scarcely had Pius declared that Mary, from the very beginning, must be believed in by the Catholic faith, when marvelous things began to be shown by the Virgin herself in the town of Lourdes; and then, the great devotion and the magnificent work of the Immaculate Mother of God, to which a temple was erected, where, daily, miracles occur, are brilliant arguments to overcome the incredulity of modern men. Therefore, so many and such great benefits, which God has bestowed in these years, and which, through the benign intercession of the Virgin, are about to pass; why should we not hope that our salvation is nearer than when we believed? Even more so, because we know from divine Providence that the end of the present age is not far removed from the liberation of our ancestors. The time is near, and the day will not be delayed. For the Lord will have mercy on Jacob, and will choose yet from Israel (2); so that, plainly, there is hope that we too will be enlightened in a short time.

(1) Jer. 8:15.

(2) Isai. 10:14.

[*Latin ed. p. 451*]

ENCYCLICAL LETTER 451 to the Most Reverend Fathers: The Lord hath broken the staff of the wicked, the rod of the rulers. The whole earth is silent, it rejoices and exults (1). However, the reason why the anniversary day, the fiftieth from the Immaculate Conception of the most holy Mother of God, ought to excite a singular fervor of spirit in the Christian people, is, most venerable brothers, chiefly this: that in our preceding encyclical letters, we have proposed to restore all things in Christ. For who is ignorant that, apart from through Mary, there is no more certain or expedient way to unite all things with Christ, and through Him to attain the perfect adoption of sons, so that we may be holy and immaculate in the sight of God? Indeed, if it is truly said of Mary: "Blessed art thou among women, because that which has been spoken to thee by the Lord shall be accomplished" (2), namely, that she conceived and bore the Son of God; if, therefore, He was taken into her womb, who is the natural Truth, that He might be born anew in a new order, made visible in our nature, that which was invisible in Himself; if the Son of God, made man, is the author and consummator of our faith; it is altogether necessary to acknowledge His most holy Mother as a participator in the divine mysteries, and as it were, a guardian, in whom, as in the most noble foundation after Christ, the building of the faith of all ages is built. For what? Could not God have bestowed the restorer of the human race and the founder of faith upon us through another way than through the Virgin? But because it pleased the power of the Divine Providence that we should have God-Man through Mary, who, fruitful by the Holy Spirit, bore Him in her most holy womb; we have nothing left to do, except to receive Christ through the hands of Mary. Hence, more-

Translated by churchlatin.ai, a product of Boyne Archives

over, in the sacred Scriptures, whenever grace is prophesied to be bestowed upon us, it is almost always joined with the most holy Mother of mankind. The Lord is released from the bonds of death, but from the rock of the desert: the flower arises, yet from a barren root. Indeed, Adam beheld Mary, crushing the serpent's head, and restrained the tears of his curse. Noah thought of her, enclosed in the ark of salvation; Abraham, forbidden to have children by death; Jacob, seeing the ladder and the angels ascending and descending through it; Moses, marveling at the bush that burned, but was not consumed; David, fleeing and singing as he brought the Ark of God. (1) Isaiah 14:5, 7. (2) Luke 1:45. (3) St. Leo M., Serm. 2, de Nativ. Domini, c. 2.

[*Latin ed. p. 452*]

4-52 ENCYCLICAL LETTERS: Elijah, having seen the little cloud rising from the sea. What need of many words? The end of the Law, the truth of images and oracles, we finally find in Mary, after Christ. But through the Virgin, and indeed through her above all, it is made possible for us to attain knowledge of Christ; surely no one will doubt this, who also considers that she was, of all, the one with whom Jesus, as is fitting between a son and his mother, was joined for thirty years in domestic life and intimate familiarity. To whom were the mysteries of Mirande, and also the mysteries of Christ's infancy, and above all the mystery of the Incarnation of the human nature, which is the beginning and foundation of faith, revealed more fully than to the Mother? For she not only preserved in her heart the things that happened at Bethlehem, and those that happened in Jerusalem in the Temple of the Lord; but she was a partaker of Christ's plans, of His hidden will, and it can be said that she herself lived the life of the Son. Therefore, no one knew Christ so intimately as she; no one is more fitting a guide and teacher for knowing Christ. Hence, as we have already indicated, no one is more effective than this Virgin in bringing men to union with Christ. For, according to Christ's own words, "this is life eternal: that they may know thee, the only true God, and Jesus Christ, whom thou hast sent" (1); and through Mary, by attaining vital knowledge of Christ, we likewise more easily attain that life, of which Christ is the source and beginning. If we were to consider for a time how much the most holy Mother strives to bestow these excellent gifts upon us, what an increase to our hope it would bring! Is she not the Mother of Christ? Therefore, she is also our Mother. For each one ought to determine that Jesus, who is the Word made flesh, is also the Savior of the human race. Indeed, as God-Man, He, like other men, received a body; but as the Restorer of our race, He received a certain spiritual body, and, as they say, a mystical body, which is the society of those who believe in Christ. We are many, yet one body in Christ (2). But the Virgin conceived the eternal Son of God not only so that He might become a man, taking on human nature from her; but also so that,

Translated by churchlatin.ai, a product of Boyne Archives

through the nature taken from her, He might become the Savior of mortal men. Therefore, the Angel said to the shepherds: "For behold, this day is born to you in the city of David a Savior, who is Christ the Lord" (1).

(1) John 17:3.

(2) Romans 12:5.

[*Latin ed. p. 453*]

ENCYCLICAL LETTER 453, Savior, who is Christ the Lord (1). Therefore, in the very womb of the most chaste Mother, Christ assumed flesh, and, together with the spiritual, He united a body, indeed, composed of those who were to believe in Him. Thus, Mary, bearing the Savior in her womb, can also be said to have carried all those whose lives are contained within the life of the Savior. Therefore, all those who are united with Christ, and who, as the Apostle says, are members of His body (2), are, from His flesh and from His bones (2), born from the womb of Mary, as if adhering to the body as a member united to the head. Hence, in a spiritual and mystical sense, we are called the sons of Mary, and she herself is our Mother. She is indeed a spiritual Mother... but truly the Mother of the members of Christ, which we are (3). Therefore, if the most blessed Virgin is both the Mother of God and of men, should anyone doubt that she will employ all her power to infuse into us, her members, the grace of He, the head of the body of the Church (4), and especially that we may know Him and live through Him (5)? Furthermore, the most holy Virgin is to be esteemed not only for this, that she provided the material for the Incarnation of the Only-Begotten God from her own flesh (6), by which a victim was prepared for the salvation of mankind; but also for the office of guarding, nourishing, and, at the appointed time, presenting that very victim. Hence, the custom of life and labor was never separated between Mother and Son, so that the words of the Prophet applied equally to both: "For my life is wasted with grief: and my years in sighs. My strength is weakened through poverty and my bones are disturbed" (7). When the time came for the Son's final sacrifice, Mary stood near the cross of Jesus, her Son, not only occupied with the immense spectacle, but truly rejoicing that her Only-Begotten Son was being offered for the salvation of the human race, and she was so compassionate that, if it could be, she would gladly endure all the torments that her Son suffered (8). From this, the communion of sorrows and will between Mary and Christ is evident.

(1) Luke 1:27.

(2) Ephesians 5:30.

(3) St. Augustine, *On the Holy Virginity*, chapter 6.

(4) Colossians 1:18.

(5) 1 John 4:9.

(6) St. Bede the Venerable, *Homilies on Luke*, Homily 11.

Translated by churchlatin.ai, a product of Boyne Archives

(7) Psalm 30:11.

(8) St. Bonaventure, *Sentences*, Distinction 48, Question 4.

[*Latin ed. p. 454*]

454 ENCYCLICAL LETTERS: This [institution] flourished so that it might be most fittingly established as a restorer of the lost world (1), and therefore, she who dispenses all graces, who has obtained these gifts for us through the death and blood of Jesus. Indeed, we do not deny that the bestowal of these graces belongs, by private and proper right, to Christ; since these also were granted to us through His one death, and He Himself is the Mediator between God and men. However, because of that which we have said, the communion of the Mother with the Son in sorrows and tribulations, it has been granted to the Virgin of Augsburg that she be the most powerful intercessor and counselor of the entire world with her only-begotten Son (2). Therefore, Christ is the source, and from His fullness we have all received (3); from which the entire body, being made complete and joined together through every bond of ministry, makes an increase in the building up of itself in charity (4). Mary, as Bernard aptly notes, is the aqueduct (5); or even the neck, through which the body is joined to the head, and also the head draws strength and virtue into the body. For she is the neck of our Head, through whom all spiritual gifts are communicated to His mystical body (6). It is therefore evident that we attribute, indeed, a great deal to the Virgin in the making effective of supernatural grace, which is the grace of the one God. However, because she excels all in holiness and in her union with Christ, and because, through Christ, she merits for us, in a fitting manner, what Christ merited by a deserving act, she is the principal minister in the bestowal of graces. He sits at the right hand of the Majesty in the heavens (7), Mary, however, stands beside Him as Queen on His right, the safest refuge for all who are in danger, and the most faithful helper, so that with her as our guide, our protector, our advocate, and our guardian, there may be nothing to fear and nothing to despair (8). With these things established, let us return to the point, which we seem rightly and properly to have affirmed, that Mary, who, from the house of Nazareth, constantly accompanied Jesus to the place of Calvary, (1) Eadmer, Mon. On the Excellence of the Virgin Mary, chapter 9. (2) Pope Pius IX in the Bull "Ineffabilis." (3) John 1:16. (4) Ephesians 4:16. (5) Serai, on the Nativity of the Blessed Virgin, on the Aqueduct, no. 4. (6) St. Bernard, Sermons, Forty Days on the Eternal Gospel, Sermon 10, section 5, chapter 3. (7) Hebrews 1:3. (8) Pope Pius IX in the Bull "Ineffabilis."

[*Latin ed. p. 455*]

ENCYCLICAL LETTERS 455, and the secrets of her heart, which no one else knows, and she administers the treasures of her merits as if by maternal right, being the greatest, most certain, and most efficacious help for

Translated by churchlatin.ai, a product of Boyne Archives

the knowledge and love of Christ? Indeed, these things are clearly demonstrated by the deplorable state of those who, either through diabolical cunning or false opinions, believe that they can neglect the Virgin Helper! Woe to them and unhappy are they, who pretend to neglect Mary, in order to honor Christ; yet they do not realize that the child cannot be found unless through his Mother, Mary. Therefore, We, Venerable Brothers, first wish to consider what is now being observed everywhere, namely, the solemnities of the most holy Mary from her very Immaculate Conception. Indeed, there is no honor to Mary more desirable, no joy greater, than to know and love Jesus rightly. Let there be celebrations of the faithful in the temples, let there be festive preparations, let there be rejoicing in the cities; all these things offer considerable benefits for fostering piety. However, if the will of the heart is not added to these things, we will have forms that offer only the appearance of religion. When the Virgin sees this, she rightly rebukes us with the words of Christ: "This people honoureth me with their lips: but their heart is far from me" (1). For true religion is that which flows from the heart; and nothing that the body does has any value or utility in this matter, if it is separated from the action of the heart. And this action must necessarily pertain to the complete obedience to the commandments of the Divine Son of Mary. For if true love is only that which is able to unite wills, then our will must certainly be in conformity with the will of the most holy Mother, namely, to serve the Lord Christ. For the most prudent Virgin, at the wedding in Cana, said to the servants, "Whatsoever she shall say to you, do" (2). And the word of Christ is: "Who said to him: Why askest thou me concerning good? One is good, God. But if thou wilt enter into life, keep the commandments" (3). Therefore, let everyone be persuaded: if the piety that one professes towards the most blessed Virgin does not restrain one from sin, or does not offer a plan for amending bad habits, then that piety is to be considered false and deceptive, since it lacks its own proper and natural fruit. And if, perchance, these things seem to require further confirmation, they can conveniently be drawn from the very dogma of the Immaculate Conception of the Divine Mother.

(1) Matth. 15:8.

(2) John 2:5.

(3) Matth. 19:17.

[*Latin ed. p. 456*]

456 ENCYCLICAL LETTERS. — For, if we were to disregard the Catholic tradition, which, together with Holy Scripture, is a source of truth; how could that belief in the immaculate conception of the Virgin Mary ever be considered, at any time, to be in harmony with the Christian sentiment, so that it could be instilled and inherent in the minds of the faithful? We are horrified, as Dionysius the Carthusian excellently explained, because we are horrified that the woman who was the head of the serpent, who was

Translated by churchlatin.ai, a product of Boyne Archives

sometimes crushed by it, and who was the daughter of the devil, should be declared the Mother of the Lord (1). Indeed, it could not be understood by the intelligence of the Christian people that the flesh of Christ, which is holy, undefiled, and innocent, was taken into the womb of the Virgin, into flesh which, even for a moment, had been tainted by some blemish. But why is this so, unless it is because sin and God are separated by infinite opposition? Therefore, it is certainly the belief of all Catholic peoples that the Son of God, before, by taking on human nature, He cleansed us from our sins in His blood, should, in the very first moment of His conception, preserve the Virgin, the Mother, free from all stain of original sin, by a singular grace and privilege. Since, therefore, all sin is so abhorrent to God, that He would not wish the future Mother of His Son to be in any way stained, but rather, by a singular act, by considering the merits of Christ, even those by which all the sons of Adam are marked, as it were, by inheritance; let us ask ourselves, is it not the first duty of everyone who desires to merit the favor of Mary, to correct vicious and corrupt habits, and to restrain the desires that lead to forbidden things? And if anyone wishes, and indeed, no one should fail to wish, that their devotion to the Virgin be just and complete in every respect; then, certainly, it is necessary to progress further, and to strive with all our might to imitate her example. — The divine law is that those who desire to attain eternal blessedness should, by imitating the form of patience and holiness of Christ, express it in themselves. For those whom He foreknew, He also predestined to be conformed to the image of His Son, that He might be the firstborn among many brethren (2). But because it is almost a weakness of ours to be easily discouraged by the vastness of such an example; by the providence of God, another example is presented to us, which, being close to Christ, is more accessible to human nature (1) 5 Sentences, Dist. 5, q. 1. (2) Romans 8:29.

[*Latin ed. p. 457*]

ENCYCLICAL LETTERS 457, and although it may seem more suited to our present circumstances, there is none so fitting as the Blessed Virgin. For Mary, as the holy Ambrose says, was such that her very life is a lesson for all. From this, the same author rightly concludes: "Let virginity be to you as a portrait, the life of Mary, from which, as from a mirror, shines forth the image of chastity and the form of virtue" (1). Although it is fitting for the sons and daughters of the most holy Mother to avoid passing over any praise that they might imitate; nevertheless, we desire that the faithful themselves attain those very virtues above all others, which are the foundations and, as it were, the nerves and limbs of Christian wisdom: we seek faith, hope, and charity in God and in men. Although no part of the Virgin's life lacked the brilliance of these virtues, they shone forth most brightly at that time when she stood by the suffering Christ. – Jesus is led to the cross, and He is cursed because He made Himself the Son of God

Translated by churchlatin.ai, a product of Boyne Archives

(2). But she, steadfastly acknowledging and worshipping the divinity in Him, brings Him to the tomb of the dead, and yet does not doubt that He will rise again. Charity, by which she is inflamed towards God, makes her a sharer in the sufferings of Christ and a companion; and, forgetting her own sorrows, she prays for the forgiveness of her murderers, even though these firmly cry out: "His blood be upon us and upon our children" (3). But lest we seem to have abandoned the contemplation of the immaculate conception of the Virgin, which is the cause for which we are writing, let us consider how great and proper are the benefits it brings to the retention and right observance of these very virtues! – And indeed, what beginnings of infidelity do those who sow so many errors on every side put forth, by which faith itself wavers among many? For they deny that man has fallen into sin and has been cast down from his original state. From this, they inflame corrupt customs and the evils that result from them; namely, the corrupted origin of the human race, and the entire progeny of men vitiated by it; and thus, the evil imposed upon mortals, and the necessity of a redeemer. With these things established, it is easy to understand that there is no longer any place for Christ, nor for the Church, nor for grace, nor for any order that transcends nature; in one word, the entire edifice of faith is utterly undermined. – But let the nations believe and confess that Mary is a Virgin, from the very beginning of her conception.

(1) De Virginio., 1. % c. 2.

(2) Ioann X I X , 7.

(3) Matth. XXVII , 2S.

[*Latin ed. p. 458*]

458 Encyclical letters demonstrate that, in every respect, she has been free from all stain; indeed, it is necessary to admit that the original sin, the reparation of mankind through Christ, the Gospel, the Church, and even the very law of perpetuation, are all things that, when considered, uproot and destroy whatever is rooted in rationalism and materialism, and that the praise of Christian wisdom remains, to be guarded and defended. — Furthermore, this is a common vice of the enemies of the faith, especially in our time, to make the eradication of that same faith easier in the minds of men, by rejecting and denouncing the reverence and obedience due to the authority of the Church, and indeed to any power among men. Hence the beginnings of anarchism; nothing is more hostile and pestilent to the order of things, whether that which is natural or that which is above nature. Indeed, this pestilence also, most harmful to both the public and the Christian cause, is destroyed by the dogma of the Immaculate Conception; for by this dogma, we are compelled to attribute to the Church the power to which not only the will of the mind, but also the mind itself, must be subjected; for from such a submission, the Christian people sing of the Virgin: "Thou art all fair, O my love, and there is not a spot in thee" (Song

Translated by churchlatin.ai, a product of Boyne Archives

4:7). — Thus, it is fitting that the Virgin of Augsburg should be given this merit by the Church, namely, that she alone has destroyed all heresies in the entire world. For if faith, as the Apostle says, is nothing other than the substance of things hoped for (Hebrews 11:1), everyone will readily grant that the conception of the Immaculate Virgin confirms both faith and raises us up to hope. Especially because the Virgin herself was free from the original stain, because she was to be the Mother of Christ; and she was the Mother of Christ, so that the hope of eternal goods might be restored to us. Now, if we were to silently abandon charity towards God, would not the contemplation of the Immaculate Virgin incite us to keep that holy precept which Jesus Himself said in a pre-eminent way, namely, that we should love one another as He loved us? — The great sign, as the Apostle John recounts, which was divinely revealed to him, is a great sign that appeared in the sky: A woman clothed with the sun, and the moon under her feet, and on her head a crown of twelve stars (Revelation 12:1). But no one is ignorant that this woman signified the Virgin Mary, who bore our head without stain. Furthermore, the Apostle continues: And being with child, (Grad. Miss, in festo Imm. Concept. (2) Hebr. X I , 1. (3) ApocXII , i.

[*Latin ed. p. 459*]

ENCYCLICAL LETTER 459, she cried out in labor, and was in pains that she might bring forth (1). Therefore, John saw the most holy Mother of God, already enjoying eternal blessedness, and yet laboring in a certain secret manner. But what kind of labor? Surely, that which we, still detained by exile, are undergoing in order to bring forth perfect divine charity and everlasting happiness. The labor of the one who is about to give birth indicates zeal and love, with which the Virgin, in her heavenly abode, vigilantly watches and, through constant prayer, strives that the number of the elect may be completed. We earnestly desire that all, wherever they are, who are called by the Christian name, may strive to attain this same charity, especially on this occasion when the immaculate conception of the Mother of God is solemnly celebrated. How vehemently and how ardently is Christ sought, and how sacred is the religion founded by Him! Therefore, great danger is presented to many, lest, led astray by errors, they depart from the faith! Therefore, let him who thinks he stands, take heed lest he fall (2). At the same time, let all use prayer and humble supplication to God, through the intercession of the Mother of God, that those who have strayed from the truth may repent. For we know from experience that such a prayer, which is founded on charity and strengthened by the intercession of the holy Virgin, has never been in vain. Indeed, the Church will never cease to be attacked; for there must be also heresies: that they also, who are approved may be made manifest among you (3). But neither will the Virgin herself cease to be present in our affairs, even in the most difficult times, and she continues the struggle that she began from the very moment

Translated by churchlatin.ai, a product of Boyne Archives

of her conception, so that we may daily repeat these words: Today, the head of the ancient serpent has been crushed by her (4). And so that the gifts of heavenly grace, usually bestowed in abundance, may help us to imitate the most blessed Virgin, and may be joined with honors, which we shall dedicate to her throughout this entire year; and thus, we may more easily achieve the purpose of restoring all things in Christ: having used the example of our predecessors, we have decreed that an indulgence, like a Jubilee, be granted to the entire Catholic world. Therefore, confident in the mercy of Almighty God, and by the authority of the blessed Apostles Peter and Paul, from that power of binding and loosing which the Lord has granted to us, although we are unworthy (1) Apoc. XII, 2. (2) 1 Cor. X, 12. (3) 1 Cor. XI, 19. (4) Office of the Immaculate Conception, in II Vespers of Magnificat.

[*Latin ed. p. 460*]

460. Encyclical Letters were issued; to all and each Christian faithful of both sexes residing in or visiting our beloved City, who, from the first Sunday of Lent, that is, from February 21st, up to and including June 1st, which will be the feast of the Most Holy Body of Christ, have visited one of the four patriarchal basilicas three times; and there, for a certain period of time, have offered devout prayers to God for the liberty and exaltation of the Catholic Church and of this Apostolic See, for the eradication of all heresies and errors, for the concord of Christian princes and for the peace and unity of the entire faithful people; and who, once, within the aforementioned period, have fasted, using only food that is not considered a delicacy, except for the days granted during Lent; and who, having confessed their sins, have received the most holy sacrament of the Eucharist; and to others, wherever they may reside outside the aforementioned City, who, during the aforementioned time, or for three months, even if not continuous, at the discretion of the Ordinary, precisely designated for the benefit of the faithful, but before December 8th, have visited the cathedral church, if there is one in that place, or the parish church, or, if there is no parish church, the principal church; and who have performed other acts of devotion; we grant and bestow the fullest indulgence for all their sins; and we also decree that such indulgence, which can only be obtained once, may be applied to the souls of those who, joined to God in charity, have departed from this life, as a form of suffrage. We also grant that those who are traveling by sea or land, upon returning to their homes, after having performed the aforementioned acts, may obtain the same indulgence. Furthermore, we grant to confessors, with the approval of their respective Ordinaries, the power to convert the aforementioned works, which We have prescribed, into other works of piety, for the benefit of religious of both sexes, as well as others who may not be able to perform them, with the faculty of also dispensing with Communion for children who have not yet been admitted

Translated by churchlatin.ai, a product of Boyne Archives

to receive it. Moreover, we grant permission and the faculty to all and each Christian faithful, both lay and ecclesiastical, whether secular or religious of any order and institution, even those specifically named, to choose, for this purpose, any priest, whether religious or secular, from...

[*Latin ed. p. 461*]

Encyclical Letters, 461, approved, (with the faculty to use this also for nuns, novices, and other women living within the cloister, provided that an approved confessor approves for the nuns), that those who, within the aforementioned time period, come to confession with him, with the intention of obtaining the Jubilee, and also to fulfill the other works necessary for obtaining it, may, on this occasion and solely in foro conscientiae, be absolved from excommunication, suspension, and all other ecclesiastical sentences and censures, whether imposed by law or by any person, even by local Ordinaries and by Us or the Apostolic See, even in any case whatsoever, and to the Supreme Pontiff and the Apostolic See, a special dispensation is permitted; and, after salutary penance and other things that are prescribed by law have been imposed, and, if heresy is involved, after prior abjuration and retraction of errors, as is required by law, they may be absolved; and also, any vows whatsoever, even those sworn and reserved to the Apostolic See (except for vows of chastity, religion, and obligations accepted from a third party), may be changed to other pious and salutary works, and a dispensation may be granted to those who, in the aforementioned sacred orders, even regular ones, have contracted an irregularity concerning the exercise of those orders or the fulfillment of obligations to their superiors, solely for the violation of censures.

However, We do not intend, by these present decrees, to grant a dispensation concerning any other irregularity, whether arising from a fault or from a defect, or from a public or hidden incapacity or disability in any way; nor do We intend to derogate from the Constitution, with its appended declarations, issued by the blessed Pope Benedict XIV, which begins "Sacramentum poenitentiae" [The Sacrament of Penance]; nor finally, do We intend that these present Letters should be of any benefit to those who have been expressly excommunicated, suspended, interdicted, or declared to be subject to other sentences and censures, or publicly denounced by Us or the Apostolic See, or by any Prelate or ecclesiastical judge, unless they have satisfied the requirements within the aforementioned time period, and have reached an agreement with the parties, where it is necessary.

In addition to these things, We wish to grant, to everyone, even during this time of the Jubilee, the full privilege of obtaining any indulgences, not excluding plenary indulgences, that have been granted by Us or by Our predecessors. Finally, Venerable Brothers, We bring our writing to a close,

Translated by churchlatin.ai, a product of Boyne Archives

hoping...

[*Latin ed. p. 462*]

462 Encyclical Letters again bear witness to the great hope that, through this extraordinary Jubilee, under the auspices of the Immaculate Virgin granted by Us, many who are sadly separated from Jesus Christ will return to Him, and that the fervor of virtues, love, and piety will flourish anew in the Christian people. Fifty years ago, when Our predecessor, Pope Pius, decreed that the most blessed Mother of Christ should be held in veneration from her very conception according to the Catholic faith, an incredible abundance of heavenly graces was seen to be poured forth upon these lands; and, with increased hope in the Divine Mother, a great increase was brought to the ancient religion of the people everywhere. What, then, prevents us from expecting even greater things in the future? Indeed, we have fallen into very sad times; and we can rightly lament with the words of the prophets: "Hear the word of the Lord, ye children of Israel, for the Lord shall enter into judgment with the inhabitants of the land: for there is no truth, and there is no mercy, and there is no knowledge of God in the land." Wickedness, and deceit, and murder, and theft, and adultery have flooded [the land] (1). However, even in this deluge, as it were, of evils, the most merciful Virgin stands before our eyes, as an arbiter, making peace between God and men. "I will set my bow in the clouds, and it shall be a sign of the covenant between me and the earth" (2). Although the storm may rage and the sky may be covered with a dark night; let no one be uncertain in spirit. In the sight of Mary, God will be appeased and will spare [us]. "And there shall be a cloud, and I shall behold it, and I shall remember the everlasting covenant" (3). "And there shall no more be a flood to destroy all flesh" (4). Indeed, if we trust in Mary, as is fitting, especially as we celebrate her Immaculate Conception with greater zeal; we also feel that she is the most powerful Virgin, who crushed the serpent's head under her virginal foot (5). With the hope of these things, Venerable Brothers, we impart to you and to your people our most loving Apostolic blessing in the Lord. Given at Rome, near St. Peter's, on the ninth day of February, in the year 1904, in the first year of Our Pontificate. PIUS PP. X.

(1) Os. IV, 1-2.

(2) Gen. IX, 13.

(3) Ibid. 16.

(4) Ibid. 15.

(5) Office of the Immaculate Conception of the Blessed Virgin Mary.

[*Latin ed. p. 463*]

463. LETTER in which Pope Pius X commends the diligence of the Cecilian Society in the singing of Gregorian chant.

PIUS PP. X. To Our beloved Son, greetings and the Apostolic blessing.

Translated by churchlatin.ai, a product of Boyne Archives

The Cecilian Society, which, as We understand, has long been active among you, promoting the knowledge and practice of Gregorian chant for the benefit of the sacred rites, has rightly and justly been brought to Our attention by you. For it is a worthy endeavor, deserving of all praise, for those who labor in matters that contribute to the proper performance of the most sacred ceremonies, and which greatly foster public piety. The fruits of the diligence and industry of the members of the St. Cecilia Society, wherever the German language is spoken, are joyful and abundant, which, although not unknown to Us, it was pleasing to learn from your own letters. We have learned specifically that their work is flourishing and is of great benefit within the boundaries of your diocese. Therefore, there can be no doubt that the Cecilian Society is equally pleasing to Us, as it was pleasing to Our predecessors, Pope Pius IX and Pope Leo XIII of blessed memory. Nor are We less certain that it will observe with the same zeal and fidelity the new prescriptions that We deem necessary to be issued in this matter, as it has always been accustomed to obey the mandates of the Apostolic See. In the meantime, We wish to bestow upon it, even in Our own name, the praise that it deserves, and as a sign of divine favor and of Our benevolence, We impart to you, Our beloved Son, the Apostolic blessing, which We impart with paternal care to the praised Society, and to your clergy and people, in the Lord.

Given in Rome, at St. Peter's, on this tenth day of December, in the year 1903, in the first year of Our pontificate.

PIUS PP. X. To Our beloved Son, Hubert Anthony, Prefect of the Sacred Congregation, Cardinal Fischer, Archbishop of Cologne.

[*Latin ed. p. 464*]

ADDRESS which Pope Pius X gave on the occasion of the decrees concerning the beatification of Mark Crisini, Stephen Pongracz, and Melchior Grodecz, as well as Joan of Arc (1).

PIUS X: How much esteem and admiration We hold for the virtues of the Venerable Mark Crisini, Stephen Pongracz, and Melchior Grodecz, as well as Joan of Arc, is evident from the recently published decrees themselves. Concerning the merits of the martyrs, the judgment of Saint Ambrose surpasses all praise; I have sufficiently explained what it means to be called a martyr: for martyrdom encompasses within itself all manner of sanctity, the highest purity, and integrity of soul. Therefore, it greatly pleases Us that these three martyrs, their cause proceeding happily to its conclusion, bring joy to the common good. Furthermore, let the most faithful children of Hungary rejoice, who can boast of having among their fellow citizens most beloved patrons and intercessors, and who can glory in the words of Saint Jerome: "The strength of nations, the triumph of martyrs." And while they hold the highest judgment of the Church in their prayers, let them strive to imitate their virtues with steadfast profession of faith. Let

Translated by churchlatin.ai, a product of Boyne Archives

the venerable sons of the Society of Jesus rejoice in the new members who, to their most beloved Mother, bring forth most worthy glory, glory which will never perish. Finally, let the beloved alumni of the German College approach the Almighty with constant prayers, that they may soon be able to add their patrons to the blessed, and to attain the desired goal through their intercession.

But let us also rejoice in the cause of the Venerable Joan of Arc, who, a humble and simple girl, born in a humble place, a devoted follower of true religion, surpassed all others in the practice of virtues, exceeding her age and her condition, even to the point of sacrificing her life, so that she shone forth, not only for France, but for the entire Church, as a new star. Let us rejoice because in the life of the Venerable Joan, good hope shines brightly, and the truth already discovered is confirmed, never failing. (Cf. Acta S. Sedis, this volume, pages 429 and 495).

[*Latin ed. p. 465*]

465 ADDRESS: Let us invoke the aid of Divine Providence, which is all the more gracious when all seems utterly devoid of support. Let us rejoice, because the French nation, which has accomplished so many great deeds, may, through the memory of this Venerable Joan, rightly recognize that its greatest glory, its greatest good, and its most essential need is to adhere to the Catholic religion, to revere its sanctity, and to defend its rights and liberties. And although much more is desired in this matter at present, let our most beloved sons of France, who are laboring under various calamities, receive a new support in this Venerable Joan, through whose grace, abundant benefits will certainly flow upon them; and let them especially understand that heavenly glory can only be attained through great labors, through hardships, and through the very contempt of life itself. These considerations nourish and foster our hope that the outstanding virtues which led the aforementioned Venerables to the glorious reward in the Church triumphant, may also prepare the way for them to attain the highest honors in the militant Church. And may the Apostolic Blessing, which we impart from the depths of our heart to all those present here, be a foretaste of this most desired outcome. January 6, 1904. PIUS PP. X. Acts, Vol. XXXVI. page CDXXVIII. 30.

[*Latin ed. p. 466*]

466 BY A PAPAL ACT, Pope Pius X, with the favor of the Vatican Chapter, revokes the prohibition of entering the Basilica of St. Peter without the choral habit, and abolishes the attached excommunication. Our predecessor of blessed memory, Pope John X X I, by letters, commanded the Canons of the Vatican Basilica, that they should never enter said Basilica unless wearing the choral habit. — This precept was confirmed by Pope Nicholas III, also our predecessor, by the Bull "Civitatem sanctam

Translated by churchlatin.ai, a product of Boyne Archives

Ierusalem." Furthermore, the Popes Eugenius IV, by letters "Si universis"; Nicholas V, by letters: "Quanto prae ceteris"; and Paul V, by letters "Super Cathedram," not only confirmed this same precept, but also wished that it be observed under the penalty of excommunication, which those who transgress it would incur by that very act. We, desiring to testify our benevolence to those same beloved sons, the Canons of the Basilica of St. Peter, and to the rest of the clergy serving there, by these presents, we revoke, suppress, and abolish the aforementioned precept of not entering said Basilica unless wearing the choral habit, and also the severe penalty of excommunication imposed on those who transgress. However, we warn that no one should ever dare to enter the choir without the choral vestment; and at the same time, we urge that all be present in the choir promptly, so that they may participate in the choral functions from the very beginning. Furthermore, we wish to take this opportunity to encourage those same beloved sons, the Canons, and all the clergy of that same Basilica, to recite the Divine Office worthily, attentively, and devoutly, especially to avoid all haste, which is most detrimental to attention and devotion, and most contrary to the edification of the faithful. Given at Rome, at St. Peter's, on the thirty-first day of January, 1904, in the first year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 467*]

467 FROM THE SECRETARY'S OFFICE: The Supreme Pontiff congratulates the Roman Academy of Saint Thomas Aquinas for its diligence, and encourages it, along with other philosophical institutions, especially to restrain Neo-rationalism. PIUS PP. X. For the perpetual memory of this matter. Among the principal praises of Leo XIII, the blessed and revered predecessor, every just judge places this: that he, having suitably addressed the studies of the young clergy according to the times, diligently endeavored to restore the discipline of Saint Thomas Aquinas above all else. Indeed, moved by a new course of intellect, when he saw certain kinds of philosophizing and disputing about more serious doctrines arise, which were in no way consistent with Catholic truth, he considered it necessary to promptly confront the danger that it posed to the students; all the more so because he had observed that the established order of studies, approved by the judgment of the Church and by the usage of centuries, had been greatly neglected in the desire to introduce something more recent. Therefore, he restored the Christian philosophy and theology to their Leader and Master, the Angelic Doctor, whose divine genius had devised weapons to defend the truth and to repel the many errors that are spread abroad even in this age, in a manner most suitable: for if the holy Fathers and Doctors of the Church have handed down the principles of wisdom, born for the benefit of all times, no one has collected them from their writings more aptly than Thomas, nor has anyone illuminated them more clearly. However, the

Translated by churchlatin.ai, a product of Boyne Archives

Pontiff did not neglect the good additions to knowledge that the current activity of studies produced; rather, he considered that the clergy could not properly hold their place unless they were instructed with a certain preparation and provision of doctrine, and therefore he desired that their instruction in more serious matters be adorned with suitable additions to learning. Indeed, in order to foster the restoration of Thomistic discipline, which he had indicated in the Encyclical Letter *Aeterni Patris* (1), he...

[*Latin ed. p. 468*]

468 FROM THE SECRETARY'S CHRONICLE: In the city of Rome, as befits a city which ought to serve as an example to the entire Catholic world in this very matter, a proper Academy was established, named after St. Thomas Aquinas, with the purpose of explaining, defending, and propagating the doctrine, especially that of the Angelic Doctor, in philosophy. The Academy itself was endowed with annual revenues, which were sufficient to ensure its stability. To this, an equivalent faculty was added, one which would promote its students to the degree of Doctor of Philosophy, those who, after a commendable course of study, had demonstrated a worthy example of knowledge. Finally, in the year 1785, the statutes which had governed the Academy for some time were revised, and certain laws (1), which experience had shown to be beneficial, were established permanently.

(1) The Laws of the Roman Academy of St. Thomas Aquinas, established by order and under the auspices of Pope Leo XIII:

1. The name of the Academy shall be: The Roman Academy of St. Thomas Aquinas.

2. Its purpose is to explain, defend, and propagate the doctrine, especially philosophical, of the Angelic Doctor, and to carefully preserve all that has been handed down in the Encyclical Letters, beginning with "Aeterni Patris."

3. The principal functions of the Academy shall be: To cooperate with other Academies of the same institution in promoting Christian philosophy, in accordance with the mind of St. Thomas Aquinas, everywhere. To acquire knowledge of the works and periodicals of the most distinguished scholars, and especially those that deal with philosophical matters, so that the condition of science may be ascertained everywhere. To publish treatises and books, in which either fleeting errors are refuted, or philosophical doctrine is illuminated and expanded. To provide opportunities for learned men to be informed, and to impart the scholastic philosophy to those who are particularly suited for it.

4. The Academy shall consist of a Council for the governance of the Academy, Academics, and Students.

5. The Council of the Academy shall consist of a Most Eminent Cardinal President and three or four members, one of whom shall be the Secretary.

Translated by churchlatin.ai, a product of Boyne Archives

The members of the Council shall act on the affairs of the Academy, and shall hold meetings when it is deemed necessary.

6. The Academics shall be chosen by the Council of the Academy. There shall be no more than thirty in number. Ten shall be chosen from learned men residing in Rome, ten from the Italian region, and ten from foreign nations. All shall be subject to the Council for the governance of the Academy.

7. Meetings of the Academy shall be held every fifteenth day, with at least two members of the Council of the Academy present. No Academic residing in Rome shall be absent from the meeting, unless permission has been obtained from the Council of the Academy. Students shall be permitted to attend the meetings. During the summer months, the meetings shall be suspended.

8. At these meetings, one of the Academics shall read a treatise which he has prepared, on a subject proposed by the Council of the Academy.

[*Latin ed. p. 469*]

From the Brief Secretariat 469: As far as We are concerned, when Our Pontificate began, it seemed that the wisdom transmitted by the Fathers was, perhaps more than ever before, in need of being preserved; therefore, We deem it absolutely necessary that those things which the illustrious Predecessor consulted regarding the cultivation of philosophy and the Thomistic doctrine be most religiously observed, and that We strive to promote them with the hope of abundant fruit. For this purpose, the Roman Academy of Saint Thomas, which rightfully claims to be the leading institution of its kind, will be supported with a special allocation for study. Before any work is presented, it must first be reviewed by one of the Councilors and approved. Then, a discussion will be held regarding books and writings on philosophical matters that have been published; and, with the opinion of the Councilors present, a decision will be made as to what must be done, whether to refute errors or to declare and promote the philosophical doctrine. 9. Works presented at the Academy meetings, which the Councilors deem worthy, will be published in print at the end of the year, and the authors will be rewarded with a silver medal. 10. Young men of the best promise, who have completed the course in philosophy, will be selected by the Council of Moderators, from whom a group of Alumni of the Academy will be formed. Each Moderator will, once or twice a week, instruct some of the Alumni, and will also assign others to be instructed by members of the Academy in the principal topics of Thomistic doctrine, explaining the discussions of the Angelic Doctor in comparison with the opinions of other philosophers, where necessary. Occasionally, the Alumni will be given the opportunity to present a topic of philosophical doctrine in the form of a lecture at the Academy meetings. 11. Those Alumni who have regularly attended the Academy lectures throughout the entire year will, at the end of that year, be eligible to compete for prizes. They will

Translated by churchlatin.ai, a product of Boyne Archives

be assigned a topic to write about, to be explained by all within the prescribed time. Those who perform best will receive prizes or commendations. Those who have been enrolled in the Academy for at least two years will be admitted to an examination for the doctoral degree, which will consist of a written examination and an oral examination, lasting an hour and a half. Four examiners will propose problems to be solved using the scholastic method; those who correctly solve them and receive the votes of the majority of the Council will receive a diploma, which will grant them the power to teach the philosophy of Saint Thomas, and they will enjoy the honors and privileges of the doctoral degree. There are currently 46 theses established for the examination for the doctoral degree at the Roman Academy of Saint Thomas, which are taken from Logic, Metaphysics, or even Moral Philosophy. The most worthy President of the Academy is His Eminence and Reverend Cardinal Franciscus Satolli, and the Secretary is the Reverend Monsignor Salvator Talamo. Our Academy currently has 22 other Thomistic Academies, especially those flourishing in Italy, affiliated with it.

[*Latin ed. p. 470*]

470 FROM THE SECRETARY'S BRIEF, Leo flourished; likewise, We desire that Our own [work] may flourish hereafter. Indeed, We know that among those associates who diligently and usefully devote themselves to the tasks assigned to them by the Province, some strive to illuminate the teachings of Aquinatis with learned commentaries, or to develop his ideas and explore new avenues based on his principles, or to consider the recent opinions of philosophers in relation to his work; therefore, We gladly commend them, for they contribute significantly to the advancement of philosophy in Germany. However, so that the duration of this most noble endeavor may not lead to a decline, We greatly desire that they may take up their work with even greater zeal, and that, as if under renewed auspices, they may devote themselves to this purpose. But this exhortation should not apply only to these individuals, but should pertain, as it ought, to all those who teach philosophy in Catholic schools throughout the world; namely, that they take care never to deviate from the path and method of Aquinatis, and that they strive diligently in them every day. Moreover, We strongly urge all to direct their wisdom and efforts most effectively towards curbing that common plague of reason and faith, which spreads far and wide: namely, neo-rationalism, against whose pernicious influences, especially among the young, every effort and measure must be taken. Furthermore, the statutes, goods, privileges, and rights which Our Predecessor granted and assigned to the Roman Academy from the time of Saint Thomas, We declare that We ratify and uphold all of them individually; notwithstanding any objections whatsoever. Given at Rome, near Saint Peter, under the Fisherman's ring, on the twenty-third day of the

Translated by churchlatin.ai, a product of Boyne Archives

month of January, on the feast of Saint Raymond of Peñafort, in the year 1904, in the first year of Our Pontificate. L. * S. ALOIS. CARD. MACCHI.

[*Latin ed. p. 471*]

FROM THE SECRET BRIEF 471: It is fitting to mention here the Brief of the Roman Academy, by St. Thomas Aquinas. POPE LEO XIII, for the perpetual memory of the matter. Since from the very beginning of Our Pontificate We have repeatedly declared, in many ways, that it is of the utmost importance that the studies of Philosophy and Theology be restored to their former state, according to the method of St. Thomas Aquinas, which is called scholastic, and that the discipline of faith be administered and fostered by that method, We are pleased to note that this has been accomplished in almost all Catholic universities. Indeed, Catholic men, especially the leaders of religious orders, have fully fulfilled Our desires and wishes, offering with the greatest zeal their aid, authority, counsel, and resources to promote and develop this excellent discipline, so that they themselves have deservedly earned merit from the youth, and have contributed to the good and honor of the Church and the nation, and have entered into Our benevolence and favor, awaiting rewards from God, for whose sake they undertook this labor and effort. Surely, no one can fail to see, no one can fail to clearly feel, the timeliness and usefulness of Our counsel, especially in these times when so many erroneous doctrines are taking hold in the minds of men, and when the morals of the people have become so altered and corrupted. This is demonstrated by the various institutions of Philosophy and Theology, by the same name, or similar disciplines, which have flourished throughout the nations in a short space of time; by the number and diligence of the students who attend them; and finally, by the very results achieved, namely, the abundant and joyful fruits that are daily harvested from such institutions in the vineyard of the Lord. For in the precepts and institutions of the great scholastic masters, wisdom shines forth so brilliantly that it is wonderfully joined with the splendor of virtue: thus, those who study them acquire both knowledge and virtue, one from the books of St. Thomas, the other from examples; for the Angelic Doctor, who has filled the measure of his name, which signifies wisdom, confirmed the precepts of wisdom with his example. Therefore, it is not surprising that he has been held in such high esteem by his predecessors, like the sun of the south, which has warmed the world with the heat of virtues and filled it with the light of knowledge. But since...

[*Latin ed. p. 472*]

472 From the Secretariat of Briefs, the teachings of Aquinatis, especially Philosophy, having persuaded and encouraged Us in many places, it was fitting and necessary that they flourish also in this venerable City, the principal seat of the Catholic name, which, for this very reason, because it is

Translated by churchlatin.ai, a product of Boyne Archives

the home and seat of the Most Holy Pontiffs, ought to surpass all others in the excellence of every institution and discipline. For Rome, being situated almost in the center of the lands, in the very heart of the entire world, is frequented by many young men, especially clerics, who believe that nowhere else can they draw from the august chair of Peter the truth and wisdom of the faith. Therefore, the abundance of Philosophy, which flows generously from here, is not confined to the boundaries of a single city, but flows beneficially to all peoples, like a most abundant river divided into many streams.

Considering all these things and reasons, We, in the year 1879, in the second year of Our Pontificate, in an Encyclical Letter concerning Christian Philosophy, according to the mind of the Angelic Doctor, addressed the matter of its restoration in Catholic schools; and then, on the fifteenth day of the month of October of the same year, We gave instructions to Antoninus, Cardinal of Lucca, then Prefect of the Sacred Congregation for the Regulation of Studies, to which We had entrusted the task, so that a learned society might be established in the City of Rome, distinguished by the name of Saint Thomas of Aquinatis, and which would especially take care of what it judged to be conducive to the promotion and propagation of the salutary doctrine of the same Saint. We added incentives to the work and diligence by providing for annual awards to be given to those who should devote themselves to studies with the greatest merit and usefulness. We decreed that young men admitted to the number of students of the Academy, having completed their course of studies, and after a solemn examination of their abilities, should be raised to the degree of Doctor. We did this so that the Roman Academy of Saint Thomas of Aquinatis would have nothing to envy in other academies or lyceums, either of other Italian cities or of foreign lands, to which We have generously granted the faculty of conferring the doctoral degree upon their students.

Now, since these things are so, and the Roman Academy of Saint Thomas of Aquinatis, having arisen from auspicious beginnings, has happily progressed to this day, and gives hope for a better future, now, for the good and fortunate sake of the aforementioned Academy, some of its statutes, as has been discovered, which are less convenient and suitable, must be abolished; and some, which have been seen to be useful and more appropriate for the times, must be substituted.

[*Latin ed. p. 473*]

From the Briefs Office, number 475, we have considered. Therefore, with the opinion and suffrage of our beloved son, Camillus Mazzella, Cardinal of the Holy Roman Church, Prefect of the Sacred Congregation for the Revision of Studies, we definitively approve, confirm, and ratify, with our Apostolic authority, the general and special constitutions of the aforementioned Academy of Saint Thomas of Aquin, amended in this venerable City,

Translated by churchlatin.ai, a product of Boyne Archives

according to the exhibited model, whose first words are "The name of the Academy shall be," and whose last words are "and shall enjoy the honors and privileges of the doctoral degree," which we have ordered to be kept in the archives of our Briefs Office. We decree that these our Letters shall exist and be valid and efficacious, and shall produce and obtain their full and complete effects, and that those to whom they pertain shall fully support them in all things, so that in the aforementioned matters, any judge, ordinary or delegated, must judge and decide, and that they shall be null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the ninth day of the month of May, in the year one thousand eight hundred and ninety-five, in the eighteenth year of our pontificate. L. * S. C. CARD. DE RUGGIERO.

[*Latin ed. p. 474*]

474 ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF THE COUNCIL OF METS. The translation of the Mass for the people is granted to the diocese of Metz. Most Blessed Father, the Bishop of Metz humbly requests, with the favor of the pastors of his diocese, the faculty of transferring to another subsequent day the celebration of the Mass for the people on festive days, when a marriage celebration or a funeral Mass occurs which cannot be postponed or transferred, as has been granted to neighboring dioceses, in accordance with an ancient and immemorial custom. On September 7, 1903, the Holy Congregation of the Council, with the authority of the Most Holy Lord, having considered the matters presented, and granting the requested favor after the prayers of the Bishop, benignly granted this permission for a period of five years (1). V. CARDINAL VANNUTELLI, Prefect. L.% S. C. DB LAI, Pro-Secretary. (1) This grace, granted to the Bishop of Metz, to transfer the celebration of the Mass for the people on festive days that are suppressed for particular reasons, is unique; it cannot be taken as a precedent. However, if a sufficient reason arises, such a faculty should be requested from the Holy See.

[*Latin ed. p. 475*]

CAUSA MEDIOLANENSIS. CONCERNING THE OBLIGATIONS OF MISSES, REGARDING THEIR APPLICATION. Facts of the case occurred on November 21, 1903. Aloysius Bonsignori, having died according to his will on October 11, 1847, established two coadjutor benefices, or chaplaincies, with the obligation of assisting the parish priest in the parishes of Busti Arsitii and Oairati, and endowed them with one-quarter of his assets, stipulating that these assets be divided into five parts, three parts being allocated to the benefit of establishing a benefice in the parish of Busti Arsitii, and the remaining two parts being allocated to the benefit of

Translated by churchlatin.ai, a product of Boyne Archives

the other benefice. The obligations of each benefice, according to the very words of the founder, are as follows: "The obligations which I impose are those of celebrating a Mass in support of the care of souls on feast days, both by order and by custom, for the benefit of the faithful, as well as of celebrating a Mass according to my intention on the first and last working day of each week. All other applications are free. Furthermore, I impose on each beneficiary the obligation of annually distributing, from the income I have left, such a portion as corresponds to 150 *lire mediolanenses* for alms to the sick of Busti and Cairati." After the death of the testator, all the formalities concerning the establishment of the endowment and the canonical erection of the chaplaincies were completed on August 5, 1854. The decree of erection of the Cairati benefice states: "We decree that the obligations of the benefice thus established are to exercise the care of souls, to administer the sacraments, even to the sick, throughout the entire parish of Cairati, to preach, and to expound Christian doctrine according to the mind of the parish priest; 2°. to celebrate and apply to..."

[*Latin ed. p. 476*]

476 From the Council of Trent: "The intention of the founder in a parish church is to have Masses celebrated on all festive days, both by order and by custom, in the parish, and also on the first and last days of the week." In the year 1895, the priest Aegidius Bosetti obtained this chaplaincy, who, believing that the obligation to celebrate Masses on festive days was not prescribed by the founding documents, requested a declaration from the Milanese Curia on January 22 of that year, and received the following: "The beneficiary is obliged to celebrate Masses according to the intention of the founder only on the second day of the week and on Saturdays of each week." However, at the request of the Promotor of the Places of the Pious, the matter was again raised, and on January 21, 1902, a contrary opinion was rendered by the Milanese Ordinariate; namely, that the beneficiary is obliged to celebrate Mass according to the intention of the founder, both on festive days and by custom. Disagreeing with this decision, the new chaplain, Fortunatus Adamoli, requested the Most Holy Congregation to settle the dispute, and also, in the event that the obligation was confirmed, to grant a suitable reduction in the burden, considering the poverty of the benefice, in addition to a remission for past omissions. After hearing the prayers, the Eminent Archbishop was consulted regarding this apparent contradiction between the founding documents and the decree of erection of both chaplaincies, who diligently responded on February 11, in these words: "Concerning what was inquired about, that is, whether and how the apparent contradiction between the act and the decree regarding the assignment of the burden of Masses could be explained, I believe that the decree of erection should be interpreted as explaining the words of the testator, placed for the public good regarding the burden of celebrating

Translated by churchlatin.ai, a product of Boyne Archives

Masses on festive days, in such a way that those Masses should be applied for the people, whereas, on the contrary, they could be explained as an obligation to celebrate Masses on festive days in the parish for the benefit of the faithful; and finally, for the sake of simplifying the language, all burdens of Masses should be included in a single formula: celebrating and..."

[*Latin ed. p. 477*]

MEDIOLAN. 477 "Concerning the application of the testator's wishes in the parish church: 'Masses are to be celebrated every day of the feast, both by order and by custom, in the parish, and also on the first and last day of the week.' The aforementioned Cappellanus of Adamoli argues that the Mass for the founder is not to be obligatory on feast days based on three points: 1. from the testamentary documents themselves; 2. from the interpretation of these documents issued by the diocesan Curia on January 22, 1895; 3. from the deed of conveyance of possession made to a lay subdeacon. From the testament itself, he derives a distinguishing argument, noting that different wording appears when speaking of feast day Masses and when speaking of weekday Masses, a difference which reveals a difference in intention between the two cases, as stated by Cardinal de Luca in *De donationibus*, book 8, chapter 23, and consequently, the obligation imposed for the application for the soul of the founder was limited only to Masses celebrated on weekdays, as can also be seen from the Holy Roman Rota in *Tuden. Servitiorum super bono iure*, March 21, 1757, before Frangipane. Do not say that those words of the testator refer to a public obligation to celebrate Mass for the people, when rather they should be understood as referring to the celebration of Masses on feast days for the benefit of the faithful, in which case the application is considered excluded, as stated by Amostaz in *De causis piis*, book 3, chapter 3, paragraph 46, and by the Holy Congregation in *Novarien*, November 22, 1727, and in *Spoletana*, September 18, 1751. Nor does the Milanese Curia seem to think otherwise, as is evident from the letter of the Most Reverend Archbishop mentioned above, dated February 11, 1903. 'I would have thought that the decree of erection had interpreted the words of the testator, which were added for the public good, as referring to the obligation to celebrate Masses on feast days, in such a way that the said Masses were to be applied for the people, when, on the contrary, they could be explained as referring to the obligation to celebrate Masses on feast days in the parish for the benefit of the faithful.'"

[*Latin ed. p. 478*]

478 FROM THE HOLY GENERAL COUNCIL. What has been said thus far carries greater weight because the obligation of applying the Mass for the people is a personal burden of the pastors, as is evident from the Council of Trent, Session 23, Chapter 1, concerning chaplains. However, chap-

Translated by churchlatin.ai, a product of Boyne Archives

lains, whatever their title, who assist the pastors are not bound to apply the Mass for the people, to which the pastors themselves must satisfy, as taught by Lucidi in *De Vis. SS. LL.*, Volume 1, page 427, number 360. Secondly, the chaplain argues that he is not bound to apply the Mass on feast days, but only to celebrate it, based on a declaration made by the Curia of Milan on January 22, 1895: for this is, first, more in conformity with the testamentary dispositions, as has been seen above, which impose the obligation of celebrating Masses on feast days for the benefit of the people; and secondly, it does not seem to contradict the decree of erection, because the expression in the decree, "The obligation of celebrating and applying, according to the intention of the founder, the Mass on all feast days, both by order and by local custom, in the parish church, and also on the first and last day of the week," can be understood in such a way that the obligation of simple celebration refers to feast days, while the obligation of application refers to weekdays, which would fully correspond to the law of the foundation; and this interpretation should be presumed with good reason, because Ordinaries are indeed born executors of pious intentions, but they cannot change them. However, this last principle is directly contradicted by the most recent declaration of the Curia of Milan from the year 1902, which sought to impose a new obligation on the chaplain, namely the obligation of applying the Mass on feast days according to the intention of the founder; therefore, it must not be admitted, but rather the declaration of the year 1895 must be upheld. Finally, the chaplain presents the instrument of admission into temporary possession of the goods of the chaplaincy, given by the subdeacon, in which the following is read: "Obligations of the benefice: for annual Masses for the good of the soul of the deceased Bonsignori, 154 florins. The beneficiary is bound to celebrate Mass in Cairate on feast days, both by order and by local custom."

[*Latin ed. p. 479*]

MEDIOLLAN. 479. If, notwithstanding the objections presented, the Most Holy Office should deem it fitting to confirm the final decision of the Milanese Tribunal, then the advocate, chaplain of Adamoli, urges that a benevolent remission be granted for past omissions, considering his good faith, and that, given the precariousness of the chaplaincy's revenues, a suitable reduction of burdens be made in the future, all the more so since such reductions have already been granted in the past. The Tribunal presents these requests on behalf of the chaplain in the following manner: "In the affirmative case, the writing Ordinariatus humbly petitions for a benevolent remission regarding past omissions, and also for a reduction of burdens, considering the extreme poverty of the benefice, since its revenues scarcely, or not at all, reach 1300 florins annually, and it is further burdened by taxes amounting to 445 florins annually, in addition to the original burden of 100 florins annually to be paid to the poor; furthermore,

Translated by churchlatin.ai, a product of Boyne Archives

attention is given to the extreme scarcity of offerings that can be received from the local faithful, as well as the example of reductions already granted to his predecessors."

Observations from the Office. On the contrary, it can be argued against the chaplain that the obligation to celebrate Mass is also considered to be a will to apply the Mass, unless this has been expressly left to the chaplain's discretion, as stated by Pignatelli, *Commentaria in codicem canonum*, 139, n. 12 et seq., title 1; De Angelis, *Liber de obligationibus*, 3, title 41, n. 4. Especially if a suitable endowment has been established for the chaplaincy, as stated in Amost, *De causis pietatis*, 2, chapter 3, n. 5. It is best to refer to the teaching of Benedict XIV in *De Sacrificio Missae*, 3, chapter 9, n. 2: "It is the rule of the Sacred Congregation that it should be understood that the obligation to apply the Mass to the soul of the founder of the benefice or chaplaincy is also intended..." Furthermore, it is more likely that when someone founded a benefice or chaplaincy and imposed the obligation to celebrate Mass, they also intended it to be applied to themselves. The well-known resolution of the Sacred Congregation in the case of Tinnen, regarding the application of the sacrifice, of August 18, 1668, is found in *Liber Decretorum*, page 61, where the following is stated: "From a testamentary disposition of an ancient..."

[*Latin ed. p. 480*]

480 FROM THE HOLY GENERAL COUNCIL: "It is found that a certain endowment, with the obligation for a chaplain to celebrate the Holy Sacrifice on Sundays and other festive days, was established by a pious testator, without any declaration regarding to whose benefit the sacrifice was to be offered. Therefore, the Bishop of Tinnensis requests that the Holy Congregation declare whether such a sacrifice is to be offered for the soul of the testator himself, or at the discretion of the chaplain, as has hitherto been the practice. On August 18, 1668, the Holy Congregation responded that the Sacrifice is to be offered for the soul of the founder," and this doctrine is confirmed by other decisions of the same Holy Congregation. Indeed, if one examines the founding documents of the Chapel of Bonsignori, and the decree of its erection issued by the Curia of Mediolanensi, it is clearly evident from both that the obligation includes not only the Masses prescribed on weekdays, but also those to be celebrated on festive days. In truth, in the testament, after describing the obligation of Masses, the following words are added: "The obligations which I impose are... to celebrate Mass on festive days, both by precept and by custom, for the benefit of the faithful, as well as to celebrate Mass for my intention on the first and last weekday of each week," and it is added: "All other Masses are of free application," which expression indicates that all the Masses described above are to be offered, while the others are left to the discretion of the chaplain. A similar conclusion seems to follow if one briefly refers

Translated by churchlatin.ai, a product of Boyne Archives

to the decree of erection of the chapel: there, as is evident from the context cited above, the obligation to celebrate and offer Masses according to the intention of the founder includes both the festive Masses and the two weekday Masses in each week. Therefore, the Curia of Mediolanensi, justly and deservedly revoking the previous decision, declared on January 21, 1902: "The aforementioned benefice is burdened with the obligation to celebrate and offer Masses according to the intention of the pious founder, on festive days, both by precept and by custom, as well as on the first and last weekday of each week." Regarding the requested indulgence for reduction...

[*Latin ed. p. 481*]

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 481: Regarding the Masses, assuming that it is established, as stated above, that the application of Masses is obligatory in both cases, the following points concerning the income of the chapel must be considered: From the Constitution of Pius V, "Ad exequendam et ex concilio Tridentino, sess. 24, cap. 13 de Reform," a sum of 100 scudi is established for the benefit of parish priests in the dioceses. However, this refers not to a parochial benefice, but to a mere chapel established to assist the parish priest. Therefore, the sum designated for the support of the titular of this chapel is not required, and a sum considerably lower may suffice. The income of the chapel in the locality of Cairati, as testified by the Most Reverend Ordinary of Milan, amounts to 1300 livres. If we deduct 445 livres for the payment of taxes and 100 livres annually for assistance to the poor, there remain 745 livres, which, it seems, is a modest sum for the proper maintenance of the chapel. After considering all these matters, the Fathers judged that the following response should be given on November 21, 1903: "Considering all the circumstances, and in order to grant a dispensation from the application of Masses for the founder on feast days, as a precaution, we have spoken with the Holy Father."

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: DECREE. The Apostolic Prefecture of Benadir in Africa is established, and the Order of the Most Holy Trinity is entrusted with its evangelization. Furthermore, the Reverend Father, the Apostolic Vicar of Northern Zanzibar in Eastern Africa, reported that, due to the vast extent of his mission, he was far from sufficient to propagate the Gospel in that part of the vicariate, which extends from the River Djuba to the Cape of Guardafui. Therefore, this Congregation for the Propagation of the Faith took steps to find apostolic workers to send there. Moreover, the General Acts of the Order, Vol. XXXVI, page CDXXVI1I.

[*Latin ed. p. 482*]

From the Sacred Congregation for the Propagation of the Faith, 4-82, of the Most Holy Trinity, having considered the suppliant petition presented,

Translated by churchlatin.ai, a product of Boyne Archives

it was requested that, in the aforementioned territory, a new Apostolic Prefecture be established, and that it be granted to the students of their Order for the purpose of evangelization. Concerning this petition, after it had been maturely discussed in the General Assemblies of this Sacred Congregation, held on the 18th of the current month, it pleased the Most Reverend Fathers to grant these requests. Therefore, they willed that an Apostolic Prefecture be erected, which shall be called "of Benadir," with the following boundaries: namely, to the south, from the mouth of the river Djuba to the jurisdiction of the Apostolic Vicariate among the Galla peoples, the boundary of the Italian and English possessions, from which boundary the mission would be separated from the Apostolic Vicariate of Northern Zanzibar; to the east, the Indian Ocean, from the aforementioned mouth of the river Djuba to the promontory of Guardami; to the north, the sea of the Aden Gulf, from the aforementioned promontory to the boundary of English Somalia; and then this very boundary to the Apostolic Vicariate of the Galla regions; to the west, this last ecclesiastical jurisdiction. Furthermore, the Most Reverend Fathers willed that this new Apostolic Prefecture of Benadir be entrusted to the students of the Order of the Most Holy Trinity, who shall evangelize it and provide for its spiritual needs. This decision of the Most Reverend Fathers, having been reported to His Most Holy Highness, Pope Pius Divine Providence, by the undersigned Secretary of this Sacred Congregation, in an audience on the 19th of this month, His Holiness approved and confirmed it in all respects, and ordered that a Decree be drawn up to that effect. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 21st of January, 1904. Fr. H. M. GOTTI, Prefect. ALOISIUS VECCIA, Secretary.

[*Latin ed. p. 483*]

483 FROM THE HOLY CONGREGATION OF RITES IN MILAN. In the Ambrosian Rite, the feasts of the Saints are often transferred. However, the solemn feasts of both Doctors of the Church are always observed with the highest solemnity. In the Ambrosian Rite, if the feast of a Saint, whether solemn or privileged, falls on a solemnity of the Lord, or on the vigils or octaves of such solemnities, or on a Sunday, or even on a privileged feria, the office of that Saint is transferred. Furthermore, with the introduction of new offices, the offices of other ferias are frequently omitted each year. Therefore, His Eminence and Reverend Cardinal Andrew Charles Ferrari, Archbishop of Milan, consulted regarding the Ambrosian psalter, which, as they say, is primarily temporal, humbly requested of the Most Holy Pope Pius X that, in the future, it may be permissible to appropriately shorten the series of transfers, so that, while preserving the Ambrosian style, the solemn (but not the most solemn, or first, or second class) or privileged office of a Saint is never transferred when its feast falls on a solemnity of the Lord, or on its octave, or on a Sunday, or on a privileged feria, but, as

Translated by churchlatin.ai, a product of Boyne Archives

is simply stated in the rubric on the Transfer of Offices of Saints, only a commemoration is made, if it is possible to do so; otherwise, such offices are entirely omitted that year, except for those that occur in Lent, which must be transferred after the Octave of Easter. Furthermore, so that the offices of the Saints of both Churches, despite the changed rule regarding the transfer of offices, may not frequently be reduced to the simple rite, or entirely omitted in the future; considering the excellence of these Saints, the same Eminent Archbishop humbly requested that their offices be elevated to the solemn rite. The Holy Congregation of Rites, by virtue of the special faculties granted to it by the same Most Holy Pope, having considered the aforementioned matters, graciously approved, in all respects, the requests, both by shortening the transfers in the solemn or privileged office of Saints, and by elevating the offices of the Doctors of both Churches to the solemn rite.

[*Latin ed. p. 484*]

484 FROM the Sacred Congregation of Rites: Feast of the Doctors of both Churches; observe the rubrics. Notwithstanding any contrary regulations. September 11, 1903. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. TLASCALEN. Doubts concerning the presence of canons at Solemn Masses and Vespers. To resolve certain questions that have arisen, the Reverend Lord Joseph Raymond Ibarra, Bishop of Tlascalen, humbly presented the following doubts to the Congregation of Sacred Rites, namely: I. Is it necessary that Dignitaries and Canons, even those holding prebends, wear the cope at Solemn Masses and Vespers? II. Must Dignitaries, Canons, and those who are called Canons holding prebends, assist the celebrant wearing the cope at Solemn Masses and Vespers, while the altar is incensed? And the Sacred Congregation itself, after considering the report of the undersigned Secretary, having heard the opinion of the Liturgical Commission, and having carefully considered all matters, decided to respond as follows: To I. According to the case, follow Decree No. 256, issued on June 14, 1620. (1) To II. Affirmative, according to Decree No. 4039, issued in Coria on June 20, 1899, section 3. (2) And thus it was written, on November 27, 1903. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) Indeed, the custom that Dignitaries and Canons, even those holding prebends, should wear the cope at Solemn Masses and Vespers, must be observed, since the Pontifical Ritual does not abolish such venerable customs. (2) In the aforementioned Decree, the Sacred Congregation stated that two beneficed clerics, prepared with copes, who, according to the custom of the Cathedral Church of Coria, are permitted to assist the celebrant at Vespers that are not

Translated by churchlatin.ai, a product of Boyne Archives

solemn, but with singing, must also assist at the incensing of the altar.

[*Latin ed. p. 485*]

FROM THE SACRED RITUALS, 485, METZ. Doubts concerning the ordering of the Office with Mass for several titular feasts of equal rank, as well as concerning the transfer of the feast of the patronage of Saint Vincent of Paul in the chapels of the Daughters of Charity. The present Editor of the Diocesan Calendar of Metz, with the consent of his Most Reverend Bishop, humbly requests a solution from the Congregation of Sacred Rites regarding the following doubts:

I. Several churches in the Diocese of Metz have titular feasts, or patrons, of equal rank, namely, Saint James the Apostle and Saint Christopher, both celebrated on July 25th, as described in the Calendar. The question is: how should the Office with Mass be ordered in such a case?

II. By Decree of the Sacred Congregation of September 7, 1903 (1), the feast of the patronage of Saint Vincent of Paul, to be observed with a double major rite on December 20th, was granted to the churches and chapels of the Congregation of the Mission and the Daughters of Charity. However, in the chapels of the Daughters of Charity, the priests celebrating the Masses follow the Diocesan Calendar, and not the Calendar of the Congregation of the Mission. Therefore, the question arises: when the aforementioned feast occurs on a Sunday, as will happen this year, 1903, should the feast be transferred in the chapels of the Daughters of Charity to the first free day according to the Calendar of the Congregation of the Mission, or rather to the free day according to the Diocesan Calendar?

And the Sacred Congregation itself, after considering the report of the undersigned Secretary, and with the fervent vote of the Liturgical Commission, after careful deliberation, decided to respond as follows:

To I: Both feasts are to be celebrated separately, and Saint Christopher is to be transferred according to the rubrics and Decree No. 3714, Ruremonden, July 12, 1889.

To II: Negatively to the first part; affirmatively to the second (2).

And thus it responded. On November 27, 1903.

S. CARD. CRETONI, Prefect.

L. R. S. f D. PANICI, Archbishop of Laodicea, Secretary.

(1) Cf. Acta S. Sedis, in this volume, page 258.

(2) Not only in the chapels of the Daughters of Charity, but also in all churches and chapels, whether public or semi-public, which are dedicated to the divine Office.

[*Latin ed. p. 486*]

486 FROM THE SACRED RITUALS OF PARIS. Decree concerning the Beatification and Canonization of the Servant of God, Catherine Labouré,

Translated by churchlatin.ai, a product of Boyne Archives

of the Congregation of the Daughters of Charity. The writings of the Servant of God, Catherine Labouré, of the Congregation of the Daughters of Charity, which have been attributed to her and properly examined, so that an examination might be instituted by the Congregation of Sacred Rites concerning them, are described in the following list: (follows a list of writings). When, at the request of the Most Reverend Lord Raphael Mary Virili, Titular Bishop of Troas and Postulator of this Cause, Our Most Eminent and Reverend Lord Cardinal Dominic Ferrata, also Postulator or Relator in the Ordinary Session of the Congregation of Sacred Rites, reported, after a meeting held on the aforementioned day at the Vatican, that in these writings he had found nothing that could impede the progress of the Cause; the Most Eminent and Reverend Fathers entrusted with the preservation of the Sacred Rites, after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, decided to write: "Nothing prevents proceeding to further steps, saving the right of the Promoter of the Faith to object, if and to the extent that it is due by law." December 1, 1903. Subsequently, a report on these matters was made to the Most Holy Lord Pope Pius X by the undersigned Secretary of the Congregation of Sacred Rites, and His Holiness approved and confirmed the Decree of the aforementioned Congregation on December 9, of the same month and year. S. CARD. CRETONI, Prefect. L. S. F. D. PANICI, Archbishop of Laodicea, Secretary. All priests are to celebrate Mass there, according to the diocesan calendar, and are to gather there. Regular clergy are not excluded, who celebrate Mass in the churches or chapels of another religious family of women, even if they belong to the same Institute as the religious family of men. Nevertheless, by privilege of the Holy See, on the days on which the priests of the Congregation of the Missions celebrate their own and special feasts, namely, Saint Vincent de Paul, the Feast of the Immaculate Conception of the Blessed Virgin Mary, Saint Gabriel Perboyre, etc., and now the Feast of Saint Vincent, all priests are obliged to celebrate Mass in the chapels or churches of the Daughters of Charity, according to the calendar of the Congregation of the Missions. This is true only when such feasts are celebrated there on the days they occur; but if they are transferred for some reason to the first free day, then they must be transferred to the first free day according to the diocesan calendar. The reason is that privileges, when they violate the law, are odious and therefore admit of a strict interpretation. Similar privileges have been granted to other religious institutes, and therefore we believe that the present decision of the Sacred Congregation is also valid for them, because where the reason is the same, the legal disposition should also be the same.

[*Latin ed. p. 487*]

From the Sacred Rites, number 487, of the Order of Friars Minor, the privilege of the votive Mass for the Immaculate Conception of the Blessed Virgin Mary, celebrated on Saturdays, is extended to all churches using

Translated by churchlatin.ai, a product of Boyne Archives

the Roman-Seraphic calendar. By Apostolic Letters in the form of a Brief, dated April 5, 1856, this privilege was granted to the churches of the Order of Friars Minor, and subsequently, by a Decree of the Sacred Congregation of Rites dated July 25, 1882, to the churches of the other Order, that is, the Monasteries of Santa Clara, of the votive Mass for the Immaculate Conception of the Blessed Virgin Mary, on each Saturday of the year, except for the more solemn ones, namely those of the first and second class, and others that are privileged, according to the rubrics.

In order that the devotion and piety towards the same Immaculate Mother of God may be fostered ever more among the Brothers and Sisters of the Third Regular Order, the Most Reverend Father Bonaventura Marrani, General Procurator of the Order of Friars Minor, in this, the fiftieth year since the definition of this dogma by the Holy Pontiff, Our Lord Pius X, with the consent of the General Minister of his own Order, humbly requested that the Holy Father would deign to extend the aforementioned privilege of the votive Mass also to the churches of the Monial Orders of the Third Order, and of the Regular Families, which legitimately use the Roman-Seraphic calendar: so that to any priest who celebrates the aforementioned votive Mass for the Immaculate Conception of the Blessed Virgin Mary on Saturdays in the churches or chapels of these Orders, it may be permitted.

Furthermore, His Holiness, at the request of the undersigned Secretary of the Sacred Congregation of Rites, has deigned to grant the aforementioned extension of the privilege with clemency; however, subject to the same exceptions and clauses contained in the Apostolic Indult and in the aforementioned Decree of the Sacred Congregation of Rites: observing the rubrics and the General Decree of December 9, 1895 (1).

Notwithstanding any contrary provisions.

December 9, 1903.

S. CARD. CRETONI, Prefect.

L. S. f D. PANICI, Archbishop of Laodicea, Secretary.

(1) Cf. Acta S. Sedis, Vol. XXVIII, page 438.

[*Latin ed. p. 488*]

488 FROM THE RITES OF THE DIOCESES OF GNESNEN AND POSEN. A doubt concerning the precedence of Deans outside of sacred functions. The Reverend Vojtechus Stanislaus Anderg, parish priest of Skarboswiensis, of the Archdiocese of Gnesnen, moved, as he says, to defend his rights, reverently requested a solution to the following doubt from the Congregation of Sacred Rites: "Among the acts of the fifteenth Congregation of Deans of both Archdioceses of Gnesnen and Posen, held in Posen on December 2nd of the year 1902, the Instruction prescribed by the Reverend Deans of both Archdioceses is read, in which, at number 15, the following

Translated by churchlatin.ai, a product of Boyne Archives

is found: 'To the Dean belong these privileges: a) the first place among the clergy of the deanery.'" Since this precedence seemed contrary to several Decrees of the Sacred Rites Congregation, he inquired: "Can such an Instruction be lawfully and validly prescribed by the Most Reverend Archbishop of Gnesnen and Posen?" Regarding the doubt presented by the undersigned Secretary, together with the information from the Most Reverend Archbishop of Gnesnen and Posen, declaring that the intention and meaning of the aforementioned disposition do not oppose the Decrees of the Sacred Congregation, because it concerns precedence not in the choir, Chapter, and sacred functions, but in Congregations of the clergy and in offices pertaining to the Ordinary, from whom the Deans are specially delegated, according to the existing and commonly accepted custom; the Sacred Rites Congregation, after a careful vote by the Liturgical Commission, and after all matters were carefully considered, judged that the following should be answered: "Affirmatively to both parts." And thus it was written. December 11, 1903. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 489*]

FROM SACRED RITUALS 489, CONGREGATION OF THE CAMALDOLENSIAN HERMITAGE OF MOUNT CORONA. Doubts concerning the commemoration of the Blessed Virgin Mary as Patroness in the Offices of the Saints; concerning the hymn of Saint Mary Magdalene the Penitent; concerning the readings of the First Nocturn of Saint Thomas of Canterbury; concerning the rite of the hymn *Vexilla* on the Feria of Friday; and concerning the Postcommunion of Saints Ildephonsus and Helladius. The Calendarist of the Congregation of the Camaldolian Hermitage of Mount Corona, with the consent of his Superior, humbly requested the following doubts to be resolved by the Sacred Congregation of Rites:

I. In those Religious Orders in which the Virgin Mother is venerated under some title as Patroness, should a commemoration of her be made in the Offices of the Saints, with the customary antiphon *Sancta Maria, succurre miseris*, etc., even if the Little Office is recited in the choir?

II. On the feast of Saint Mary Magdalene the Penitent, which lacks Vespers perpetually, should the hymn *Pater superni luminis* from the Vespers be sung at Matins, omitting the hymn *Nardo Maria pistico*, as being of lesser importance?

III. In the monastic rite, when the feast of Saint Thomas of Canterbury, Bishop and Martyr, falls on a Sunday, December 29th, should the readings of the First Nocturn be from Mileto, concerning the Common Office, or rather, the beginning of the Epistle to the Romans?

IV. In the churches of the Congregation of the Camaldolian Hermitage of Mount Corona, should the hymn *Vexilla* be sung in the procession on the Feria of Friday, according to the monastic rite or the Roman rite?

Translated by churchlatin.ai, a product of Boyne Archives

V. On the feasts of Saints Ildephonsus, Bishop, and Helladius, Bishop, in which the *Missa In medio* is celebrated, besides the first proper prayer, should the words *et Doctor egregius* be omitted in the Postcommunion?

And the Sacred Congregation itself, after hearing the report of the undersigned Secretary, and also the opinion of the Liturgical Commission, decided to respond as follows:

To I: "Negative, according to Decree No. 4043 concerning commemorations to be made at Lauds and Vespers in the Offices of the Saints, June 27, 1899."

To II: "Affirmative, for both."

[*Latin ed. p. 490*]

I 490 FROM THE SACRED RITUALS [Congregation]! ! Regarding III. "Affirmative to the first part; negative to the second." Regarding IV. "According to custom." Regarding V. "If they have not been granted, affirmative; otherwise, negative." And thus, it was replied, on December 11, 1903. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. Concerning the aforementioned DECREE regarding the commemorations to be celebrated at Lauds and Vespers in the Suffrages of the Saints. Since doubts frequently arise concerning the commemorations to be celebrated in the Suffrages, both because the Rubric cannot consider various particular cases, and because countless declarations on the same matter, issued by this Sacred Congregation, are scattered throughout the Collection of Decrees, and can scarcely be found without great effort; and furthermore, because, for various places and particular cases, they sometimes seem to present a semblance of contradiction; so that, in matters of daily use, which necessarily differ in various churches, due to the variety of titular churches and patrons, a certain clear and obvious rule may be established: the Sacred Congregation of Rites, having maturely considered the matter, has decided to declare and decree the following, in order to resolve all doubts: I. Any individual, whether secular or regular, devoted to the service of any church, with any canonical title, provided that the church is public, even if not consecrated, is obligated, both at Vespers and at Lauds, on the days indicated by the Rubric, to include a commemoration of the title of that same church in the Suffrages, notwithstanding any contrary custom, even if ancient; and although a commemoration is usually made of the patrons of the place or region. II. Commemorations in the Suffrages should never be made of those mysteries or saints about whom the Office is celebrated on the same day. Indeed, even in the votive Office of the Passion, a commemoration should not be made of the Holy Cross or of the Most Holy Sacrament, in which the memory is recalled.

[*Latin ed. p. 491*]

FROM THE SACRED RITUAL, 491, concerning the Passion of Christ; but

Translated by churchlatin.ai, a product of Boyne Archives

neither concerning Saint Michael the Archangel in the votive Office of the Holy Angels. III. Similarly, the Commemoration concerning the title of the Church, which is now commonly included in the prayers, should be recited only once, and through the common Antiphon. Therefore, if the title of the Church is the Holy Cross itself, this Commemoration, both within and outside the Paschal time, should not be recited except once; and through the Antiphon, Versicle, and Prayer, which are noted among the prayers for different times. In exactly the same manner, the Commemoration of the Blessed Virgin Mary, which is the title of some church, even under the denomination of the Annunciation, or the Assumption, or any other similar name, should always be recited through the common Antiphon, *Holy Mary, help the poor*, with the Versicle and Prayer indicated there: and this single Commemoration is sufficient, as stated above. IV. However, if either the Office of the day, or the Commemorations concerning the same subject, do not follow the same rule; then the Commemoration of the title should not be omitted. Thus, concerning the Holy Savior, which is the title of a church, the Commemoration should be recited even after the Commemoration of the Holy Cross, indeed, on the very Sunday of the Second Week of Lent. V. Furthermore, the Commemoration of the title should be entirely special, and it is not sufficient to include it with other non-titular Saints in a common prayer. VI. It should be noted that the common Commemoration of the Blessed Virgin Mary is to be omitted in the choir, according to the rubric, when the little Office of the same Blessed Virgin is recited. VII. The Commemoration of the title should take its place among the other prayers, according to the dignity of the title itself, as assigned by the rubrics. Thus, for example, the Commemoration of Saint Michael the Archangel should be placed before the Commemoration of Saint John the Baptist, Saint Joseph, and the Holy Apostles Peter and Paul, whose Commemoration should be placed before the Commemoration of other Apostles. VIII. Besides the Commemoration of the title or patron of the church (and for regular canons, also of their own founder), no Commemoration of the patron of a place, or diocese, province, or kingdom, is to be made, according to the rubric; unless a contrary custom prevails. In this case, unless personal dignity requires otherwise, these Commemorations should be made in this order: so that the patron of the place or city is placed before the patron of the diocese, and this one before patrons of more universal importance, in the prayers. June 27, 1899.

[*Latin ed. p. 492*]

492 FROM THE SACRED CONGREGATION OF RITUALS OF MALTA. The Octave of the Dedication of the cathedral church ought not to be celebrated in churches outside the walls of the episcopal city. After a request from the Reverend Salvator Chircon, parish priest of the church of Saint Paul, located in the place called Rabato: "Whether the Octave ought to

Translated by churchlatin.ai, a product of Boyne Archives

be celebrated in the aforementioned parish church of Saint Paul, which is located outside the walls of the notable city of Mdina, on the anniversaries of the Dedication of the Cathedral Church in the notable city of the Diocese of Malta," the Sacred Congregation of RITUALS, after considering the report of the undersigned Secretary, and also the opinion of the Liturgical Commission, decided that the following should be answered: Negatively, according to Decree No. 3863, dated July 9, 1885, section IV (1). And it wrote thus, on December 18, 1903. S. CARD. CRETONI, Prefect. L. f S. f D. PANICI, Archbishop of Laodicea, Secretary.

(1) The text of the aforementioned decree, section IV, reads as follows: "Concerning the anniversary of the Dedication of the Cathedral Church, the Sacred Congregation decrees that it should be celebrated by the entire secular clergy of the diocese, according to the double rite of the first class, in the episcopal city with the Octave, but outside the city without the Octave. Only those of the regular clergy who reside in the episcopal city should celebrate this feast, according to the double rite of the second class, without the Octave."

The parish church of Saint Paul, of which we are speaking here, is not obliged to celebrate the Octave of the Dedication of the Cathedral Church in the notable city, because, as is assumed, it is located outside the walls of the episcopal city, so that it can be said to be situated outside that city, and not even within its suburb or adjacent to it. Indeed, the phrase "outside the walls" does not always, at least according to our understanding, mean "outside the city"; it is possible that some church, due to the increase in population and the expansion of the city, is built outside the walls of the city, but does not cease to be part of the city. For the walls were formerly like a bulwark against enemies, but now they are only a historical monument; therefore, they never have the effect of making what is outside them also outside the city. Hence, a church which is materially outside the walls, but can be considered as part of the city, is obliged to celebrate the Octave of the Dedication of its Cathedral Church. We insist on this concept also for this reason, because we know that the privileges, for example, of religious orders, and the exercise of which is not conceded to others, except for those places where the convents of these religious orders do not exist, especially in the city of Rome, where there are many convents of these religious orders, some of whom have considered it permissible, and do consider it permissible, to exercise these privileges outside the walls of the city, in what is commonly called "new Rome."

[*Latin ed. p. 493*]

FROM THE SACRED RITUALS, 493, STRIGONIENSIS, OR CASSOVIENSIS. Decree of Beatification, or declaration of martyrdom, of the Venerable Servants of God, Mark Crisinus, canon of Strigoniensis, Stephen Pongracz, and Melchior Grodecz, priests of the Society of Jesus.

Translated by churchlatin.ai, a product of Boyne Archives

CONCERNING THE DOUBT: "Whether it is established that there was martyrdom, and its cause, as well as the signs or miracles that illustrate the martyrdom itself, in the case and to the effect of which we are speaking." The blood of the martyrs of Christ has been so profusely and widely shed that it has illuminated the history of the Church to such an extent that the words of the royal psalmist can aptly be applied to this heavenly Jerusalem: "Glorious things are said of thee, city of God." For, as Augustine says, "the body of the Church is adorned with the blood of its martyrs" (Serm. 41 de Pass. Dom.). That memory of their invincible fortitude and constancy wonderfully contributes to strengthening the faith, fostering piety, and excites the remembrance of Paul's saying: "For I reckon that the sufferings of this time are not worthy to be compared with the glory to come that shall be revealed in us." To this remarkable history, which grows with such a great number, three are added today: Mark Crisinus, canon of Strigoniensis, Stephen Pongraczius, and Melchior Grodecz, both priests of the Society of Jesus, who were killed in Kaschau by heretics out of hatred for religion in the year 1619. Mark Crisinus, formerly a student at the German College in Rome, and later a doctor of philosophy at the Academy of Graz, distinguished himself by his modesty, gravity of character, and devotion to religion. After having for several years presided over the Seminary of Strigoniensis with great merit in learning and virtue, he was admitted to the college of canons of that place. Subsequently, he was dismissed in order to take charge of the Hungarian Seminary, and while diligently engaged in that business, he found an opportunity for martyrdom through the German war instigated by heretics in the 17th century, and also through that Bohemian rebellion of the year 1618, which quickly drew Moravia, Lusatia, Silesia, Hungary, and even Austria itself into a conspiracy of perfidy. At the beginning of September of the year 1618, when rumors spread that heretical troops were approaching Kaschau, and that a faction stirred up by them had broken out into sedition, the priests, including Mark Crisinus, approached the fathers, Stephen...

[*Latin ed. p. 494*]

494. By the grace of God, the Hungarian, St. George, and the Silesian, Melchior Grodecz, whom that royal leader had sought out along with the Catholics of Kaschau, so that they might conduct Christian affairs there. Although these holy men could have avoided danger by being absent for the sake of their ministry, nevertheless, when they learned of the precarious state of the Catholics, they immediately hastened to the front lines, or rather, to certain death. They did not long endure the wrath of the impious. For it was immediately ordered that the Venerable Servants of God should not leave the house; then, with the church surrounded by soldiers, all were forbidden to approach them, and they themselves were deprived of any assistance or food. Finally, on the eve of the Nativity of the Blessed Virgin

Translated by churchlatin.ai, a product of Boyne Archives

Mary, the satellites of the heretics attacked the confessors of Christ at night. And first, St. George was struck in the chest with an iron club; he was thrown to the ground, half-dead; then they stripped him, and with his hands bound behind his back, they applied torches to his sides, burning him until his entrails were exposed, and they dismembered his limbs with extreme shame, striking him with their feet. With his head held tightly, so that his eyes seemed to bulge, they dragged him along, rolling him in his own blood; even as he was still breathing, they wounded his head with two very grievous blows. Finally, considering the man to be tired and dead, they dragged him into the nearest sewer, where, for twenty hours, he endured a death worse than death, with such fortitude and constancy that a passing guard did not hesitate to encourage those present to strengthen their faith. Almost at the same time, with no less courage, Marcus and Melchior suffered, and they too were burned, dismembered, and beaten, and thrown into the sewer, with only one difference: these were beheaded. Due to the widespread and constant belief in their martyrdom, and illuminated by the brilliant light of the glory of the Venerable Servants of God, especially due to the many signs and wonders, particularly those that occurred around their glorious tomb, it was soon brought about that an investigation into their martyrdom was instituted, and canonical inquiries were conducted, first with the authority of the Ordinary and then with the Apostolic authority. After these were properly completed and the legitimate findings obtained, on the eve of March, in the year 1868, the Congregation of Sacred Rites, having been convened in the Vatican, and with the sentence confirmed by the Most Holy Fathers Cardinals by His Holiness Pope Pius IX, of blessed memory, on the sixth day before the Ides of March of the same year, the cause was reopened, and, with the special permission of His Holiness Pope Leo XIII, of blessed memory, it was entrusted to the Most Reverend Fathers Cardinals, who were to pronounce a judgment on it. In the meeting held on the sixteenth day before the Kalends of Quintiles of the year that soon followed, in the halls of the Vatican,

[*Latin ed. p. 495*]

From the Sacred Congregation for the Propagation of the Faith, number 495, concerning the question: "Whether there is proof of the martyrdom of the Venerable Servants of God, Mark Crisini, Canon of Gran, Stephen Pongracz, and Melchior Grodecz, and also of the signs or miracles that illustrate the martyrdom itself, in the case and to the effect of what is being considered," all those present, namely the Most Reverend Cardinals and officials, judged, with widespread votes, that there was sufficient proof. However, the Most Holy Pope Pius X, recently elevated to the Chair of Peter, whom the Provident God has given as a comfort to the Christians, wishing to congratulate the Church and the glory of its saints, and desiring to preserve the suspense for a long time, after hearing everything that the Most

Translated by churchlatin.ai, a product of Boyne Archives

Reverend Cardinal Seraphino Cretoni, Prefect of the Sacred Congregation, had faithfully reported to him, and carefully considering the importance of the matter, took time to implore divine assistance. Finally, on this day, which shone with the anniversary of the declaration of Christ, the same Most Holy Father, having performed sacred rites before, summoned to himself the Most Reverend Cardinals Seraphino Cretoni, Prefect of the Sacred Congregation, and Andrea Steinhuber, the Relator of the cause, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, the undersigned Secretary, and, in their presence, solemnly pronounced: "Thus, it is established concerning the martyrdom and the cause of the aforementioned Venerable Servants of God, Mark Crisini, Canon of Gran, Stephen Pongracz, and Melchior Grodecz, priests of the Society of Jesus, so that proceedings may continue in the case and to the effect of what is being considered." This Decree was ordered to be made public and recorded in the acts of the Sacred Congregation on the eighth day before the Ides of January, in the year 1904. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. S. THOMAS OF MELIAPORE. An Indult is granted for a votive Mass to the priests who are pilgrims, to be said at the altar of Saint Thomas the Apostle. The Most Reverend Theotonius Emmanuel Ribeiro Vieira de Castro, Bishop of São Tomé of Meliapore, desires...

[*Latin ed. p. 496*]

496 FROM THE SACRED CONGREGATION: The cult and piety towards the very Holy Apostle, who preached the Gospel to the people of India, and whose Relics are preserved with great reverence within the boundaries of that same diocese, may be fostered and increased: Our Most Holy Lord Pope Pius X, upon the supplications of the faithful, requested that it be permitted for every priest, working at the altar where the aforementioned Relics of the Saint are kept, to celebrate a votive Mass of Saint Thomas, even if the Office of the double rite occurs. Furthermore, His Holiness, graciously accepting these prayers, deigned to grant the requested privilege of the votive Mass in such a way that only foreign priests, or pious leaders of groups visiting there, may celebrate the votive Mass of Saint Thomas the Apostle at the designated altar, provided that a Double of the first or second class, or a Sunday, Feria, Vigil, or Octave, which is a privileged day, does not occur; the rubrics being observed. Contrary provisions notwithstanding. January 20, 1904. S. CARD. CRETONI, Prefect. L. * S. + D. PANICI, Archbishop of Laodicea, Secretary of Plock. Vernacular chants sung in Masses, even without sacred ministers, are absolutely prohibited. Whereas certain Polish periodicals, published in Warsaw, recently asserted that a certain Ordinary of this Province of Warsaw had obtained from the Holy See permission for the people to sing, according to the ancient custom, during the solemn Mass,

Translated by churchlatin.ai, a product of Boyne Archives

celebrated without sacred ministers, various pious chants in the vernacular language, omitting those which are prescribed to be sung by the rubrics, the present Most Reverend Bishop of Plock has reverently requested from the Congregation of Sacred Rites a suitable solution to the following doubts: I. Has such permission truly been granted to a certain Prelate of this Province of Warsaw? II. In the affirmative case to I, is this merely a privilege for one diocese, or can it be extended to all the dioceses of this Province?

[*Latin ed. p. 497*]

497 FROM S. C. RITUUM III. In the affirmative case concerning IL, are the Decrees of the Sacred Congregation of Rites, namely, no. 3365 of Clodien, August 7, 1875, to section VII; no. 3496 of the Apostolic Prefecture of Madagascar, June 21, 1879, to section I; no. 3880 of Bisarchien, January 31, 1896; and no. 3994 of Ploeen, June 25, 1898, to section I, abrogated? And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, and also after the vote of the Liturgical Commission, and after mature deliberation, decided to respond as follows: To I. Affirmative, and for a limited time, concerning the aforementioned chants, on April 22, 1899; but this permission has already been revoked by the Motu Proprio of His Holiness Pope Pius X concerning Sacred Music, of November 22, 1903, and by the Decree of the Sacred Congregation of Urbis et Orbis, of January 8, 1904. To II. As provided in the first. To III. Negative, and the Decrees mentioned in the aforementioned Motu Proprio and Decree of Urbis et Orbis must be observed (1). And thus it responded, on January 29, 1904. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) From the aforementioned Decrees, the following two principles are established: 1. In solemn or chanted Masses, whether with or without sacred Ministers, the parts of the Mass, whether variable or common, must always be sung, with the exception only of those which, according to the Rubrics, can be supplied by the organ, and those which are to be recited in the choir with a clear and intelligible, or subdued, voice. 2. Hymns in the vernacular language in liturgical functions and offices, and therefore also in chanted Masses, are not to be tolerated but are entirely prohibited; however, outside of liturgical functions, and in the private Mass, the custom is to be maintained. All of these have been most recently confirmed by the Motu Proprio of Pope Pius X concerning Sacred Music, of November 22, 1903, § III concerning the liturgical text, nos. 7 and 8, as well as by the subsequent Decree of Urbis et Orbis, of January 8, 1904, which are found in the Acts of the Holy See, on pages 329, 387, and 426. o Acts, Vol. XXXVI, p. CDXXVIII, 32.

[*Latin ed. p. 498*]

498 FROM THE HOLY CONGREGATION FOR INDULGENCES AND

Translated by churchlatin.ai, a product of Boyne Archives

THE HOLY CONGREGATION FOR SACRED RELICS. Formula of general absolution for those Tertiaries living in community and who pronounce simple vows. Peter Oomen, General Procurator of the Congregation of the Most Holy Redeemer, proposed the following question to be resolved by this Holy Congregation: Whether, when granting general absolution to those Tertiaries who live in community and pronounce simple vows, the first formula should be used: "Noli meminisse," or rather the second: "Intret oratio?" And the Holy Congregation, having heard the vote of one of the Consultors, ordered that the following be answered: "Considering the Decree of August 28, 1903 (1) concerning Tertiaries living in community and who pronounce simple vows, the first formula, 'Noli meminisse' (2), should be used." Given in Rome from the Secretariat of the same Holy Congregation, on November 11, 1903. A. CARD. TRIPEPI, Prefect. L. * S. f F. Sogaro, Arch. Amiden., Secretary. (1) Cf. Acta S. Sedis, present volume; page 377. (2) This formula is found in the Acta S. Sedis, volume XV, page 50, as well as in the Roman Ritual. Pope Leo XIII, of blessed memory, by an Apostolic Brief of July 7, 1882, completely abrogated and suppressed all previously used formulas of general blessing and absolution among Regular Orders and Tertiaries belonging to them, and established that the same formula should be used by all in the future for such blessings and absolutions. Therefore, it was decreed that in the general absolution for Regular members of any Order enjoying this privilege, the formula beginning with the Antiphon: "Noli meminisse" should be used; and in the general blessing with a plenary Indulgence for Secular Tertiaries and all others receiving the benefits and graces with them, or with Regular members of any Order, the second formula, beginning with the Antiphon: "Intret oratio," should be used. However, by the aforementioned recent Decree of August 28, 1903, those Tertiaries living in community with simple vows, participate in all Indul-

[*Latin ed. p. 499*]

FROM THE SACRED CONGREGATION FOR INDULGENCES, 499: A SUMMARY of Indulgences, Privileges, and Dispensations granted by the Most Holy Fathers to the Order of St. John of God. I. FOR RELIGIOUS ONLY. A. – Plenary Indulgences.

1° To the faithful on the day they canonically receive the habit of the Order;

2° To novices who, after completing a year of probation, make their profession;

3° To the brethren on the first day of any general chapter;

4° To the same on the day they celebrate their First Mass;

5° To the same who attend a Mass celebrated for the first time by a brother of the Order;

Translated by churchlatin.ai, a product of Boyne Archives

6° To the same who, having been separated from the company of others for ten days, dedicate themselves to spiritual exercises, namely pious readings, meditations on the mysteries of the faith, vocal prayers, for at least two hours daily;

The Holy See grants directly to the first and second Orders the Indulgences and spiritual benefits, removing any communication of Indulgences with those living in the world (Tertiaries), hence the Sacred Congregation for Indulgences and Sacred Relics, by the present Decree, has ordered that, even in the general absolution imparted to Tertiaries living in community and who pronounce simple vows, the first formula should be used: "Ne Reminiscaris" (That you remember not). However, in the general blessing for Tertiaries living in the world, the second formula should still be used: "Intret oratio" (Let my prayer come in before thee). Indeed, by a previous Decree of January 31, 1893, and then by a Decree in Sorrento on July 18, 1902 (cf. Acta S. Sedis, this volume, page 434), any communication, even by special Indult, of Indulgences and spiritual benefits has been completely abolished, whether with the respective Order to which they belong, or with other Tertiaries and their Orders. Moreover, the Supreme Pontiff Pius X, wishing to provide for each Order of Secular Tertiaries in a different way through the granting of Indulgences, by the aforementioned Decree in Sorrento on July 18, 1902, ordered all Generals of Religious Orders who have a Secular Third Order to present to the Sacred Congregation for Indulgences and Sacred Relics a new Summary of Indulgences which they wish to obtain for their Secular Third Order. We have already published in the Acta S. Sedis two Summaries of Indulgences for Secular Tertiaries, namely those of the Order of Eremites of St. Augustine, as can be seen in this very volume on pages 186 and 241; another Summary, as soon as it is presented by the Most Reverend Generals and approved by the Sacred Congregation, will be published.

[*Latin ed. p. 500*]

FROM THE DECREE ON INDULGENCES:

7. If, during these days, they have truly repented and confessed, and have received Holy Communion, and have devoutly visited some church or public oratory, and there offered prayers to God.

8. If, having been sent by their Superiors, or placed in a journey or in the midst of dangers of infidels, they have been unable to confess, at least let them, with true contrition, devoutly invoke the name of Jesus, either with their mouth or in their heart.

9. If, being in articulo mortis, and if, as above stated, or at least with contrition, let them, if they can, invoke the name of Jesus with their mouth, but if not, devoutly in their heart.

Translated by churchlatin.ai, a product of Boyne Archives

B. – Partial Indulgences.

a) Five years, and as many quarantines, once a day, if the brethren, before the altar of their church, or, if permitted by their Superiors, on a journey or outside the cloister, before any altar, have devoutly recited the Our Father five times and the Angelic Salutation as many times.

b) Three years, and as many quarantines, if, with a contrite heart, in the Chapter, they have confessed their imperfections and practiced virtues.

II. FOR ALL THE FAITHFUL.

A. – Plenary Indulgences.

1. On the principal feast day or titular feast of the churches and hospitals, respectively;

2. On the feast of the Most Sacred Heart of Jesus;

3. On the second day after Easter;

4. On the feast of the Immaculate Conception;

5. On the Nativity;

6. On the Annunciation;

7. On the Purification;

8. On the Assumption;

9. On the Patronage of the Blessed Virgin Mary (Dominica in Tertiâ Novembris);

10. Of the Blessed Virgin Mary of Good Counsel (April 26);

11. Of Saint Joseph, Spouse of the Blessed Virgin Mary (March 19).

[*Latin ed. p. 501*]

FROM S. C. INDULGENTIARUM 501 12° Of Saint John of God, the Founder, and 13° On one of the two days immediately following the feast; 14° Of the Translation of the same Saint, the Founder; 15° Of Saint Raphael, Archangel (October 24th), or on one of the seven days immediately following; 16° Of Saint John the Apostle and Evangelist (December 27th); 17° Of Saint Augustine, Bishop and Doctor (August 28th); 18° Of the Conversion of the same Saint, the Doctor (May 5th); 19° and 20° Of the Translation of the same Saint (February 28th or 29th, and October 11th); 21° Of Saint Charles Borromeo, the first Protector of the Order; 22° Of Blessed John Grande, commonly called "The Sinner" (June 3rd); Provided that, on these days, truly penitent, having confessed and having received Holy Communion, they have visited some church or public oratory of the Order and have prayed according to the mind of the Supreme Pontiff. 23° To the Christian faithful who are in the hospitals of the Order at the point of death, provided that, as above stated, or at least contrite, they have devoutly invoked the Holy Name of Jesus with their mouth, if they are able, or, if not, with their

Translated by churchlatin.ai, a product of Boyne Archives

heart.

B. — Partial Indulgences.

a) Of seven years and forty days:

1° On the feast of the Nativity of Our Lord Jesus Christ.

2° On the solemnity of Pentecost, to the Christian faithful who, having confessed and having received Holy Communion, from the first vespers until sunset on those days, have devoutly visited the churches of the Order and have prayed according to the mind of the Supreme Pontiff.

3° To the faithful who are infirm, on the first day that, after their admission into the hospitals of the Order, they have, truly penitent and having confessed, received Holy Eucharist.

b) Of one hundred days:

1° To all Christian faithful who have brought the infirm to the aforementioned hospitals; also, each time that they have performed some work of spiritual or corporal mercy towards the aforementioned infirm; or who have accompanied the bodies of their deceased to burial; or who have visited the church of the hospital.

[*Latin ed. p. 502*]

From the Holy General Indulgences, any Sunday of the month, if they have visited [a church]; or if they have said "Laudetur Jesus Christus," or if they have responded "Amen." 2° To the infirm who reside in the hospitals of the Order, as often as, after the first time, they have truly repented and confessed, and have received the Most Holy Sacrament of the Eucharist.

III. PRIVILEGES AND INDULGENCES.

1° The altar, dedicated to Saint John of God in every church or hospital of the Order, is endowed with a perpetual daily privilege.

2° All Masses celebrated for the deceased members of the Order, at any altar in the churches of the same Order, are privileged.

3° All Masses celebrated for the deceased infirm in the hospitals of the Order are likewise privileged.

4° Any member of the Order, whether cleric or lay, may choose once a particular image of Our Lord Jesus Christ Crucified, which may not be changed except in the case of loss or destruction; and may offer it to the infirm who are near death, either in the hospitals of the Order, or elsewhere, by order of the Superior, to those who are afflicted in their infirmity; and if those who have kissed or touched the aforementioned image with a contrite heart and Christian affection, they may obtain a plenary indulgence.

5° Priests, both regular and secular, who are devoted to the spiritual assistance of the infirm in the hospitals of the Order, and who administer the blessing to them when they are at the point of death, may grant the

Translated by churchlatin.ai, a product of Boyne Archives

blessing with the attached plenary indulgence, according to the formula prescribed in the Roman Ritual.

6° Any priest of the Order, appointed by the local Superior, may twice in the year, but not on the same day or in the same place as the Bishop, impart the Apostolic blessing to the faithful who come to the churches or public oratories of the Order, according to the formula approved by Benedict XIV in the Constitution "Exemplis" of March 19, 1748.

7° Members of the Order who devoutly visit their church and pray there according to the mind of the Supreme Pontiff, shall obtain the same station indulgences which they would earn.

[*Latin ed. p. 503*]

From the Sacred Congregation for Indulgences, 303: If the churches of the city [Romano] are visited personally on the days designated in the Roman Missal, provided that the other prescribed works are performed. 8° The Indulgences attached to the Stations of the Cross, with crucifixes, blessed by a Franciscan priest or by another priest authorized by the Minister General of the Order of Friars Minor, are valid for each of the brothers of the Order, even for those who are seriously ill and are in their presence; provided that these same sick individuals devoutly perform the Stations of the Cross with them, or, if they are unable to do so, at least follow it with their mind and heart. 9° The sick residing in the hospitals of the Order are able to gain plenary Indulgences listed in this enumeration under No. II. A, if, in place of visiting a church, they perform some pious work prescribed by their confessor. 10° The sick and religious residing in the hospitals of the Order, but only in the city [Romano], can participate in the Indulgences that are granted for novenas, octaves, and triduums, if all of them, together and devoutly, recite the prayers composed for the use of those hospitals, in place of those prescribed, without the blessing with the Most Holy Sacrament. All and each of the Indulgences mentioned in this summary, except for the plenary Indulgence to be gained at the hour of death, are also applicable to the souls of the deceased in Purgatory. The Sacred Congregation for Indulgences and Sacred Relics, having reviewed the documents of the Apostolic concessions, has approved the present summary and has graciously permitted it to be printed. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 28th of November, 1903. L. * S. f F. SOGARO, Archbishop of Amiden, Secretary.

[*Latin ed. p. 504*]

504 FROM THE SUMMARY OF INDULGENCES. Indulgences granted to the Archisodalitas of the Most Sacred Heart of Jesus, existing in the Church of Saint Joachim in the City of Rome. I. Plenary Indulgences. 1. To all the Christian faithful, of both sexes, on the day of their entrance into the Archisodalitas, provided that they are truly penitent and have received

Translated by churchlatin.ai, a product of Boyne Archives

the Sacrament of Confession. 2. To all members, from the first vespers until sunset, on: a) Feria V in Coena Domini (the fifth day of the week during the celebration of the Lord's Supper); b) on the feast days of the Most Sacred Heart of Jesus, if, on these days, as specified above, they visit any church or public oratory, and there pray according to the wishes of the Supreme Pontiff. 3. To the same members, on the anniversary of the erection of the Roman Archisodalitas, provided that, as specified above, they devoutly visit the respective parochial church from the first vespers until sunset on that day, and there pray as specified above. 4. To the same members, who, according to the statutes of the Archisodalitas, are accustomed to adore the Most Holy Sacrament for at least half an hour once a week, for four days, which shall be designated by the Ordinary, on which days they shall have received the Sacrament of Confession and, after Communion, shall pray according to the wishes of the Supreme Pontiff. 5. To the same members, who likewise are accustomed to adore the Most Holy Sacrament for the prescribed half hour once a week, and who, as specified above, visit the church or oratory where the sodality is established, and there also pray as specified above, on the following days, from the first vespers until sunset: a) On the Nativity of Our Lord Jesus Christ; b) On Easter, the Resurrection; c) On the Ascension; d) On the feast of the Most Holy Body of Christ; e) On the Assumption of the Blessed Virgin Mary; f) On the first Friday in April.

[*Latin ed. p. 505*]

FROM THE SACRED CONGREGATION OF INDULGENCES, 505 II. Partial Indulgences. 1° Two hundred days, once a day, to members who, with at least a contrite heart and devotion, have adored the Most Holy Sacrament of the Eucharist for at least half an hour on any day of the year. 2° One hundred days, also once a day, if they recite the following prayer with equal contrition and devotion: "O Heart of Jesus, Eucharistic, comfort in our exile, grant peace to the Church." 3° Fifty days, also once a day, to members for the recitation of one of the following ejaculatory prayers: — "a) May the Eucharistic Heart of Jesus be blessed! — b) Eucharistic Heart of Jesus, have mercy on us!" All and each of the Indulgences mentioned above are also applicable to the souls of the deceased in Purgatory. The Sacred Congregation for Indulgences and Sacred Relics, having reviewed the present summary, has declared it authentic and has graciously permitted it to be printed. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 24th of November, 1903. L. * S. f F. SOG-ARO, Archbishop of Amiden, Secretary. ROMAN Indulgences are granted to those who recite certain prayers in honor of St. John the Baptist. Most Blessed Father, The Priest Giambattista M. Menghini, Apostolic Ceremonial Master, prostrate before the Throne of Your Holiness, humbly implores that, to foster devotion towards the great Precursor of Our Lord Jesus Christ,

Translated by churchlatin.ai, a product of Boyne Archives

St. John the Baptist, Your Holiness would deign to grant, perpetually, to all the faithful who devoutly and with a contrite heart recite the following prayers, an Indulgence of two hundred.

[*Latin ed. p. 506*]

506 FROM THE SACRED CONSTITUTION ON INDULGENCES: days to be gained once a day; three hundred days to be gained each day, if they are recited for the space of a triduum or a novena; the plenary indulgence is granted during the said period, or within one of the eight days following, if, having recited them each day of the triduum or the novena, one approaches the Holy Sacraments of Confession and Communion, and prays according to the intention of the Supreme Pontiff. Furthermore, it is requested that the aforementioned Indulgences may be applied for the benefit of the souls in Purgatory. Let it be so. PRAYERS TO SAINT JOHN THE BAPTIST. I. — O glorious Saint John the Baptist, the greatest of prophets born of woman (Luke VII, 28), you, though sanctified from the womb of your mother, and of most innocent life, nevertheless withdrew into the desert, there to practice austerity and penance; grant us, I beseech you, the grace that, detached, at least with the affection of our hearts, from every earthly good, we may practice Christian mortification, with interior recollection, and with the spirit of holy prayer. Pater, Ave, Gloria. II. — O most zealous Apostle, who, without working any miracles in others, but solely through the example of your penitent life, and through the efficacy of your word, drew crowds to you, preparing them to worthily receive the Messiah, and to hear His heavenly teachings; grant that it may also be given to us, through the example of a holy life, and through the exercise of good works, to lead many souls to God; especially those who are enveloped in the darkness of error and ignorance, and led astray by vice. Pater, Ave, Gloria. III. — O invincible Martyr, who, for the honor of God and for the salvation of souls, with steadfast constancy, opposed, even at the cost of your life, the impious Herod, openly rebuking his perverse and dissolute life; obtain for us a strong and generous heart, that, overcoming all human respect, we may freely profess our faith, and follow the teachings of Jesus Christ, our divine Master. Pater, Ave, Gloria.

[*Latin ed. p. 507*]

From the Sacred Congregation for Indulgences, 507. Pray for us, St. John the Baptist. R. That we may be made worthy of the promises of Christ. Let us pray: O God, who has made this day honorable for us through the Nativity (commemoration) of the Blessed John, grant to your people the grace of spiritual joys, and direct the minds of all the faithful in the way of eternal salvation. Through Christ our Lord. R. Amen. For the grace, according to the prayers, observe what must be observed, and without any brief expedition. January 9th, in the year 1904. PIUS PP. X. The present

Translated by churchlatin.ai, a product of Boyne Archives

rescript was presented to this Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the Secretariat of the same Sacred Congregation, on January 11th, 1904. L. œ S. Joseph M. Can. COSELLI, Substitute. FROM COLOGNE. External solemnity suffices to obtain the plenary indulgence, attached to the feast of the Blessed Virgin Mary of Perpetual Help. Anthony Cardinal Fischer, Archbishop of Cologne, humbly presents the following to this Sacred Congregation for Indulgences: To the Christian faithful who visit the image of the Blessed Virgin Mary under the title of Perpetual Help, exposed in churches and public chapels, a plenary indulgence is also granted by Apostolic Brief on the Sunday before the feast of St. John the Baptist, on which day "the feast of the same Saint's image will be celebrated there, with the permission." Now the question is: Whether external solemnity alone, for example, the ornamentation of the altar, suffices to obtain the plenary indulgence attached to this feast.

[*Latin ed. p. 508*]

308 FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS, concerning the setting up of sacred images, public prayers before them, etc., or at least a votive Mass in honor of the Blessed Virgin Mary, for perpetual succor (as has been granted to churches and chapels of the same title); or whether the complete celebration of the feast with its proper Office and Mass is absolutely required. The Sacred Congregation, having heard the opinion of the Consultors, ordered that the doubt be answered with the following: "External solemnity alone suffices" (1). Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on January 21, 1904. A. CARD. TRIPEPI, Prefect. L. S. f F. SOGARO, Archbishop, Secretary. FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS, CONCERNING THE DIOCESE OF WŁOCŁAWEK (KALISZ). The faculty to declare altars privileged is granted. Most Blessed Father, the Bishop of Włocławek, or Kalisz, prostrate at the feet of Your Holiness, humbly explains the following: On June 10, 1902, he was granted, for a period of seven years, the faculty to decorate with an Apostolic privilege one altar in the parish and collegiate churches of his diocese, for the benefit of the deceased. However, since there still exist in this diocese several filial churches and former monasteries, in which the Divine Office is celebrated, the predecessor of the aforementioned bishop also obtained from the Apostolic See the faculty to decorate altars with an Apostolic privilege, also for the benefit of these churches. Therefore, the aforementioned Bishop humbly submits to Your Holiness: (1) Namely, it suffices that public prayers be offered before the image of the Blessed Virgin Mary for perpetual succor; nor is a votive Mass of the Blessed Virgin Mary required in any way, and even less so a proper Mass with a proper Office. Indeed, this is true also in similar cases for the

Translated by churchlatin.ai, a product of Boyne Archives

acquisition of a plenary Indulgence, unless otherwise stated by a Pontifical grant.

[*Latin ed. p. 509*]

From the Sacred Congregation of Studies, 509, it is stated that, with regard to the same faculty, namely, the presence of three altars in the Cathedral of Włocławek, two in the Collegiate Church of Kalisz, and one in all parochial, filial, and regular churches, or religious houses, whether they exist or not, the Most Holy Father deigns benignly to grant, by Apostolic privilege, the faculty of decorating them. May God, etc. From an audience of the Most Holy Father, on January 12, 1904. Our Most Holy Lord Pius, by divine Providence, Pope X, benignly approved the granting of this grace in all matters, according to the petitions, for fifteen years, beginning from this day; and furthermore, the power was granted to the Bishop to communicate the privileges of the altars to the orators in a more prudent and convenient manner, so that, according to the circumstances of time and place, he may be permitted to do so. Notwithstanding any contrary provisions. L. * S. f PETRUS, Archbishop, Secretary.

From the Third Congregation of Studies: Doctoral degrees conferred by the Sacred Congregation of Studies without examination are equivalent to degrees from Catholic Universities.

Regarding the following question: Does a doctoral degree which is granted by the Holy See through the Sacred Congregation of Studies to distinguished men, either in Theology or in Canon Law, without any examination, but solely due to their excellent merits duly proven, possess all the rights and privileges that a doctoral degree obtained by candidates in Catholic Universities through examination possesses, or rather, does it possess only an honorary character?

The Sacred Congregation responsible for regulating studies, having considered the matter on December 18 of the present year, 1903, decided to respond as follows: Affirmative to the first part; Negative to the second. This opinion, presented in an audience before the Most Eminent Cardinal Prefect, on December 19, 1903, was ratified and confirmed by the Most Holy Pope Pius X.

F. CARD. SATOLLI, Prefect.

L. >$< S. ASCENSUS DANDINI, Secretary.

[*Latin ed. p. 510*]

510 FROM THE VICARIATE OF THE CITY [Documents to be presented by those seeking advancement to the Orders in the esteemed City (1)]. I. Documents to be presented by the Romans, for advancement to the first clerical Tonsure and to the minor Orders. 1. A petition addressed to the Reverend Vicar of the City, for admission to the first Tonsure or to the minor Orders. 2. A certificate of Baptism. "Of the lawful marriage of their

Translated by churchlatin.ai, a product of Boyne Archives

parents." "Of their state of being free, if they have exceeded the age of fourteen years." "Of the first clerical Tonsure or of the last minor Order received." 3. A letter from the parish priest concerning their life and morals. "Concerning the frequency of the Sacraments." 4. A letter from the Prefect of Schools concerning their studies. 5. A letter from the Prefect of Clerics. 6. Proof of the obligation of support by parents, or other relatives, to be presented before receiving the Tonsure. II. Documents to be presented by those from outside the city, for advancement to the first clerical Tonsure or to the minor Orders. 1. A petition addressed to the Reverend Vicar of the City, for admission to the first Tonsure or to the minor Orders. 2. Letters of dismissal from their proper Ordinary. 3. A letter from the parish priest of the city concerning their life and morals. "Concerning the frequency of the Sacraments." "Concerning their studies." (1) All of the aforementioned documents are required for those who do not enjoy any special privilege, but not for those, for example, who are Regulars or others, who also enjoy more exemptions in this matter.

[*Latin ed. p. 511*]

FROM THE VICARIATE OF URBS 511: Testimony regarding the status of a cleric for the period during which he resides in Rome, if he has surpassed the age of X, XIV years.

1. The first clerical Tonsure, or the reception of the last minor Order.

2. From the Prefect of the Clerics.

III. Documents to be presented by those from Rome, for advancement to higher Orders.

1. A supplication letter to the Reverend Vicar of the City, for admission to the Sacred Orders.

2. Another, for a dispensation from impediments, if necessary.

3. Testimony of Baptism, for the Order of Subdiaconate and Priesthood.

4. The reception of the last Order.

5. The completion of ministry in the Order of Subdiaconate or Deaconate.

6. The completion of a full year in theological studies for the Subdiaconate; two years for the Diaconate; three years for the Priesthood.

7. Testimony regarding the status of freedom for the Order of Subdiaconate.

8. From the Parish Priest, regarding life and morals.

9. Regarding the frequency of the Sacraments.

10. From the Prefect of the Clerics.

11. Regarding sacred titles for the Subdiaconate.

12. Regarding exemption from military service.

13. Regarding publications made in his own parish church and in the patriarchal Basilica Lateranensi.

Translated by churchlatin.ai, a product of Boyne Archives

14. Regarding spiritual exercises, completed for ten consecutive days before Holy Orders.

IV. Documents to be presented by those from outside Rome, if they desire to be promoted to higher Orders.

1. A supplication letter to the Reverend Vicar of the City, for admission to the Sacred Orders.

[*Latin ed. p. 512*]

512 FROM THE VICARIATE OF THE CITY: 2. Another [official] for granting dispensations from impediments, if necessary, and to the extent that the Bishop has not granted a dispensation in dismissal matters. 3. Dismissal letters from the proper Ordinary. 4. Proof of age, as prescribed by law, unless it appears from the dismissal documents. » concerning the completion of ministry in the Orders of Subdeacon or Deacon. » regarding the full year spent in theological studies for the Order of Subdeacon; two years for the Order of Deacon; three years for the priesthood. » regarding the status of being unmarried for the Order of Subdeacon. » from the Parish Priests of the City, concerning life and morals. » concerning the frequency of the Sacraments. » from the Prefects of Clerics, » concerning publications given in their own City Parish and in the patriarchal Basilica Lateranensi. » regarding titles for the Order of Subdeacon. » concerning spiritual exercises, completed for ten consecutive days before Holy Orders. From the Secretariat of the Vicariate, on December 22, 1903. PETRUS Can. CHECCHI, Secretary.

[*Latin ed. p. 513*]

515 ACTS OF THE ROMAN PONTIFF: ENCYCLICAL LETTER. By the divine Providence of Our Most Holy Lord Pope Pius X, concerning the secular celebrations of Saint Gregory the Great. TO THE VENERABLE BROTHERS, PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARYS OF PLACES, WHO HAVE PEACE AND COMMUNION WITH THE APOSTOLIC SEE. PIUS PP. X. Venerable Brothers, greetings and the Apostolic blessing. It is indeed a joyful occasion, Venerable Brothers, to remember the great and incomparable man, Gregory, the first Pope of this name, whose secular celebrations we shall observe in the year three hundred since his death. And we believe that, through a singular Providence of God, who mortifies and vivifies..., humbles and exalts..., it has happened that, among the almost countless cares of Our apostolic ministry, among so many anxieties concerning the whole Church which we must govern, among the concerns which press upon us, that We might also, Venerable Brothers, called to participate in Our apostolate, and to whom all the cares of Our ministry are entrusted, that you may be best served, or that, from the very beginnings of Our supreme pontificate, We might turn Our gaze to this most holy and

Translated by churchlatin.ai, a product of Boyne Archives

illustrious Predecessor, the glory and ornament of the Church. For the soul is raised to great confidence in his most powerful intercession before God, and is refreshed by the memory of those things which he taught through his sublime teaching, and those things which he accomplished with such holiness. For if he has indeed left such ample, such high, such firm traces in the Church of God, through the power and fruitfulness of his precepts and virtues, that he rightly acquired the name of the Great from his equals and from posterity, it is fitting that... (1) Martyrology of Rome, September 3. (2) 1 Kings 10:6-7. Acts, Vol. XXXVI, page CDXXIX, line 33.

[*Latin ed. p. 514*]

514 ENCYCLICAL LETTERS: Even today, after so many centuries, his very tomb bears witness to his praise: he lives on forever among countless good men. It cannot be denied that, if those who admire his example are aided by divine grace, they should, as far as human weakness allows, strive to fulfill their duties. The events that are well-known from historical records are as follows. At the time that Pope Gregory ascended to the pontificate, there was great turmoil in public affairs; almost all vestiges of ancient civilization had disappeared, and the Roman Empire, already crumbling, was being ravaged by barbarians. Italy, abandoned by the Byzantine emperors, had become almost the prey of the Lombards, who, with their affairs still unsettled, were constantly raiding, devastating everything with fire and sword, and filling the land with mourning and bloodshed. This very city, struck from without by the threats of enemies, and from within by plague, inundations, and famine, had become so miserable that there was no means of ensuring the safety, not only of the citizens, but also of the vast multitude that was bursting forth within its walls. One could see men of every sex and condition, bishops and priests, carrying away sacred vessels plundered by violence, religious men and women, devoted brides of Christ, fleeing, either from the swords of their enemies or from the shameful violence of wicked men. Pope Gregory himself called the Church at Rome: an ancient ship, violently battered... from all sides the waves rush in, and the rotten planks creak under the constant and violent storms (2). But God had raised up a sailor who was skilled in handling the ship, and a captain who, by skillful navigation, not only managed to steer the ship towards the harbor amidst the raging storms, but also ensured its safety from future tempests. And it is truly remarkable how much he accomplished in a little more than thirteen years. He proved to be the restorer of Christian life for the entire world, stirring up the piety of the faithful, the observance of monks, the discipline of the clergy, and the pastoral care of the sacred ministers. A most prudent father of the Christian family (3), he guarded and increased the patrimony of the Church, generously and abundantly providing for the needy people, the Christian society, and individual churches, according to

Translated by churchlatin.ai, a product of Boyne Archives

their respective needs. Truly, he became a counselor of God (4), in deed.

(1) John Diaconus, *Life of Gregory*, IV, 6-8.

(2) Register I, 4, addressed to John, Bishop of Constantinople.

(3) John Diaconus, *Life of Gregory*, II, 51.

(4) Inscription on his tomb.

[*Latin ed. p. 515*]

ENCYCLICAL LETTERS 515 extended the fruitfulness of his will beyond the walls of the City, and dedicated himself entirely to the good of the civil community. He bravely resisted the unjust demands of the Byzantine emperors; he shattered the audacity of exarchs and imperial officials, and restrained their sordid avarice, being a public defender of social justice. He mitigated the ferocity of the Lombards, and, without fear, he went to meet Agilulf at the gates of the City, in order to free it from that siege, just as Pope Leo the Great had done with Attila; nor did he yield to prayers or flattering persuasions, nor did he cease his efforts shrewdly, until he finally saw that formidable people brought to peace, with a more just form of government established, and with the addition of the Catholic faith, primarily through the efforts of the pious Queen Theodelinda, mother in Christ. Therefore, Gregory rightly claims the name of savior and liberator of Italy, that is, of this land, which he himself gently calls his own (1). Through his pastoral care, his never-ceasing concern, the remnants of errors are extinguished in Italy, the affairs of the Church are ordered in Gallus, the Visigoths in Hispania receive an increase in the beginnings of their conversion, and the renowned people of the Britons, who, while situated in a corner of the world and still remaining in the worship of trees and stones (2), also adhere to the true faith of Christ. Upon receiving news of this most precious acquisition, Gregory was filled with such joy, as a father embraces his dearest sons, reporting everything to Jesus the Savior, to whom, he says, we seek brothers in Britain, whom we did not know; through whose grace, whom we did not know, we find. That people, indeed, proved themselves so devoted to the Holy Pontiff, that they still call him: our teacher, our Apostolic, our Pope, our Gregory, and they consider themselves as a seal of his apostolate. Finally, there was so much power in his work, so much benefit, that the memory of what he accomplished remained deeply rooted in the hearts of posterity, especially in the middle ages, which, in a certain way, was illuminated by the spirit infused by him, drew nourishment from his word, and conformed its lives and manners to his example, leading to the flourishing of Christian society throughout the world, in contrast to the Roman society, which, after the passage of immense centuries, had completely ceased to exist.

(1) Regist. v, 36 (40) ad Mauricium Aug.

(2) Ibid. VIII, 29 (30) ad Eulog. episcop. Alexandr.

Translated by churchlatin.ai, a product of Boyne Archives

(3) Ibid. xi, 36 (28) ad Augustin. Anglorum episcop.

[*Latin ed. p. 516*]

316 ENCYCLICAL LETTERS: What a remarkable change in the right hand! And indeed, it is fitting to say that Gregory was convinced that such things could only have been brought about by the hand of God. For, addressing the most holy monk Augustine concerning the conversion of Britain, he speaks these words, which, indeed, can be understood in relation to all the other things accomplished by him in the apostolic ministry. "For whose work is this," he says, "except that of Him who says: My Father works even now, and I work?" (1) To demonstrate that He converts the world, not by human wisdom, but by His own power, He chose preachers, whom He sent into the world, without letters; and He did this also in this way, because He deigned to work through the weak among the English people (2). Indeed, We are not unaware of what fled from the eyes of the holy Pontiff, who, feeling himself cast down, completely avoided: the experience in governing affairs, and the keen intellect in bringing undertakings to completion, and the wonderful prudence in arranging matters, and the diligent vigilance and unremitting concern. But it is also evident that he progressed, not as the princes of this world do, by force and power, but that he, who first wished to be called by that highest dignity of the pontificate: Servant of the servants of God, prepared his way, not by profane knowledge alone, nor by persuasive words of human wisdom (3), not by the prudence of civil counsel alone, nor by long-prepared and then applied reasons for restoring society, nor finally, which is to be admired, by a vast plan conceived in his mind and gradually pursued through the apostolic ministry; whereas, on the contrary, as is known, he was fixed in the thought that the end of the world was approaching, and therefore that little time remained for great deeds. With a very frail and weak body, long afflicted by illnesses, often at the very brink of death, he nevertheless possessed incredible strength of spirit, to which new nourishment was always supplied by his vivid faith in the certain word of Christ and in His divine promises. He also placed great trust in the power divinely bestowed upon the Church, by which he could rightly perform his ministry on earth. Therefore, it was his purpose in all his life, as his words and deeds confirm, to foster the same faith and trust in himself and to arouse it strongly in others, while (1) JOHN V, 17. (2) Regist. xi, 36 (28). (3) 1 COR. 1, 4.

[*Latin ed. p. 517*]

ENCYCLICAL LETTERS 517: The supreme day approached, and, as far as was possible here and now, the best course of action was pursued. From there, the most holy man firmly willed to draw forth, for the common good, that abundant store of heavenly gifts with which God has enriched the

Translated by churchlatin.ai, a product of Boyne Archives

Church, such as the most certain truth of revealed doctrine, and its efficacious proclamation, which is evident throughout the world, and the sacraments, which have the power to infuse or increase the life of the soul, and finally, as one who anticipates heavenly assistance, the grace of prayers in the name of Christ. The remembrance of these things, Venerable Brothers, greatly delights Us. For if We look from this summit of the Vatican walls, We cannot help but feel, as did Gregory, and perhaps with even greater apprehension, that so many storms are gathering, that so many ranks of enemies are pressing forward; and We are so devoid of any human defense, that neither the means to repel them nor the strength to withstand their onslaught seem to be available. But considering where Our feet are placed, and in what place this pontifical See is established, We feel safe within the fortress of the holy Church. For who does not know that, as Gregory wrote to Eulogius, the Patriarch of Alexandrinum, the holy Church is firmly established in the strength of the Apostles, drawing its firmness from the very name, just as Peter was called from the rock (1)? The divine power of the Church does not diminish with the passage of time, nor have the promises of Christ failed to be fulfilled; it perseveres as it raised up the spirit of Gregory, and moreover, it is strengthened much more by so much confirmation from the centuries, by so many changes of events. Regna, empires have collapsed; nations with the most flourishing fame and reputation have perished; often, as if weakened by old age, nations have torn themselves apart. But the Church, not deficient in its own nature, always connected by an unbreakable bond with its heavenly Spouse, flourishes here with the vigor of youth, strengthened by the same power with which it emerged from the wounded heart of Christ, already dead on the cross. Powerful ones on earth have raised themselves up against it. They have perished, but it remains. Teachers have devised almost countless varieties of ways of philosophizing, glorifying themselves as if they had finally conquered the doctrine of the Church, refuted the heads of faith, and demonstrated all of its teaching to be absurd. However, history...

[*Latin ed. p. 518*]

518 Encyclical letters are utterly refuted and destroyed; whereas, meanwhile, the light of truth shines forth from the fortress of Peter with the same brilliance that Jesus kindled at His birth and nourished with divine wisdom: "Heaven and earth shall pass away, but My words shall not pass away" (1). With this faith, we are uplifted; with this rock, we are strengthened. As we perceive the most serious duties of the sacred principate, and simultaneously experience the flowing divine power in our minds and in our souls, we await calmly, until the clamorous voices of so many detractors are silenced, and it is declared that the Catholic Church has perished, that its doctrines have fallen eternally; that it will soon come to pass that men will be compelled either to embrace the tenets of one who rejects God for

Translated by churchlatin.ai, a product of Boyne Archives

the sake of science and human reason, or to withdraw from the communion of men. Nevertheless, we cannot help but recall, along with Gregory, in the minds of all, whether they be eminent or humble, how necessity compels one to flee to the Church, through which eternal salvation is granted, and through which peace and the prosperity of this earthly life are promoted. Therefore, let us use the words of the holy Pontiff: "Direct the steps of your minds in the firmness of that rock, as you have begun, in which our Redeemer has established His Church throughout the world, so that the footsteps of a sincere heart may not offend in the crooked path" (2). The charity of the Church alone, and the communion joined with it, divides what is divided, orders what is confused, unites what is unequal, and perfects what is imperfect (3). It must be firmly held that no one can rightly govern earthly affairs unless he knows how to deal with divine matters, and that the peace of the republic depends on the peace of the universal Church (4). Hence, the absolute necessity of perfect concord between ecclesiastical and civil power, both of which, by God's providence, desire to help each other. For power... is given from heaven over all men, that those who seek good things may be helped, that the way of heaven may be opened more widely, that the earthly kingdom may be conformed to the heavenly kingdom (5). From these principles flowed that invincible fortitude of Gregory, which, with God's help, we will strive to imitate, presenting to you in all ways, the rights and privileges which the Roman Pontificate guards and defends, before God and before (1) MATTHEW 24:35. (2) Registr. VIII, 24 ad Sabinian. episcop. (3) Ibid. v, 58 (53) ad Virgil, episcop. (4) Ibid. v, 37 (20) ad Mauric Aug. (5) Ibid. III, 61 (65) ad Mauric. Aug.

[*Latin ed. p. 519*]

ENCYCLICAL LETTERS 519 to men. Therefore, Gregory also wrote to the patriarchs of Alexandria and Antioch, when matters concerning the rights of the entire Church were being discussed, and he admonished them, so that we may demonstrate that we do not, in our special concern, love anything to the detriment of the common good (1). To Mauritius in Aoste, he wrote: He who, against the Almighty Lord, elevates his arrogance through empty boasts of glory and against the decrees of the Fathers, I trust in the Almighty Lord, that he will not bend me, even with swords (2). And to Sabinianus, a deacon, he wrote: Before I am more ready to die than to see the Church of the blessed Apostle Peter degenerate in my days. You know my manners well, for I have long borne them; but if I should once cease to bear them, I shall go forward joyfully against all dangers (3). Thus, Gregory, the Pope, gave the most powerful admonitions, and those to whom these were announced heard them. Thus, with both rulers and people offering attentive ears, the world sought the path of true salvation, and it became more noble and fruitful through this, drawing its strength from the divinely revealed doctrine and from the precepts of the Gospel. But at

Translated by churchlatin.ai, a product of Boyne Archives

that time, the people, although unrefined and uncultivated and devoid of all humaneness, yearned for life; and they could not be granted this gift by anyone except by Christ through the Church: "The thief cometh not, but for to steal and to kill and to destroy. I am come that they may have life and may have it more abundantly" (4). Indeed, they had life, and an abundant one. For, since life, in the supernatural order, can proceed only from the Church, this life also includes and fosters the very powers of the natural order. Thus, Paul was to the gentile nation; but you, though you were a branch, were grafted onto it, and you have become a partner of the root and of the richness of the olive tree (5). But our age, although it enjoys so much of the light of Christian humaneness, that it cannot be compared to the age of Gregory in any way, seems nevertheless to disdain that life from which, especially, often solely, so many, not only of the past, but also of the present, are to be renewed, as from a source. And not only... (1) Regist. v, 41 (43). (2) Ibid. v, 37 (20). (3) Ibid. v, 6 (iv, 47). (4) JOHN 10:10. (5) Ad Rom. xi, 16, 17.

[*Latin ed. p. 520*]

520 Encyclical letters, concerning schisms and divisions, cut themselves off as if they were a useless branch, but they seek to reach the very root of the tree, that is, the Church, and they attempt to dry up the vital sap, so that it may certainly perish and never produce any fruit. The error of today, which is the same and the greatest, and from which others flow, is the cause for which we lament such a loss of the eternal salvation of men and so much damage to religion, and even greater things are to be feared if a remedy is not applied. For they deny that anything exists above nature; that there is God, the Creator of all things, by whose providence all things are governed; that miracles are possible; and if these are removed, it is necessary that the foundations of the Christian religion be torn away. The very arguments by which God is demonstrated are attacked, and with incredible audacity, contrary to the first indications of reason, that invincible power of argumentation, by which the cause is deduced from the effects, that is, God and His attributes, is repudiated, without any limits. For the invisible things of God are clearly seen, since they are understood by the creation of the world, because of the things which are made; and also His eternal power and divinity (1). Hence, an easy path is opened to other wonders of error, which are contrary to right reason and equally pernicious to good morals. For the denial of the supernatural principle of grace, which is proper to the so-called "science," becomes the postulate of a false historical criticism. All those things which concern the order of things above nature, whether they constitute it, or are connected with it, or presuppose it, or finally, which cannot be explained without it, all these are erased from the pages of history, without any investigation undertaken. Such are the divinity of Jesus Christ, the mortal flesh assumed by Him,

Translated by churchlatin.ai, a product of Boyne Archives

the works of the Holy Spirit, His own resurrection from the dead by His own power, and finally, all the other heads of our faith. Once this false path is begun, no law of critical science can restrain it, and with its own force, whatever does not please it or is considered to be an obstacle to the demonstration of its own cause, is taken away from the sacred books. Since the supernatural order has been removed, it is necessary to build up history concerning the origins of the Church on a completely different foundation; therefore, those who devise new things at their own pleasure distort the monuments, drawing them not according to the meaning of the authors, but according to their own will. (t) Rom. i, 20. (2) 1 Tim. vi, 20.

[*Latin ed. p. 521*]

ENCYCLICAL LETTERS 521 With such a great array of teachings and the impressive force of arguments, many are deceived, so that they either depart from the faith, or become very weak in it. There are also those who, remaining steadfast in their faith, criticize the discipline, as if it were destructive, whereas this discipline itself is, in itself, blameless, and, when legitimately applied, leads to the most blessed investigation. However, neither of these groups turns their mind to those things which they wrongly place and presume, that is, to the false science, from which they have set out, and which necessarily leads them to concede falsehoods. Indeed, all things must be corrupted by a false philosophical principle. But these errors can never be sufficiently refuted, unless the method is changed, that is, unless those who are led astray are drawn away from the defenses of their criticism, where they think themselves to be protected, to the legitimate field of philosophy, from which, having departed, they have embraced errors. Meanwhile, it is tiresome to turn the words of Paul to these very clever men, rebuking those who do not rise from these earthly things to those which escape the sight of the eyes: "They have been darkened in their thoughts, and their foolish heart has been obscured; for, whereas they know God, they glorify him not as God, but their foolish heart is darkened" (1). For truly, anyone who uses the powers of the mind to fabricate things in the arena is to be considered foolish. No less lamentable are the ruins that result for the morals of men and for the life of civil society from this denial. For, once the opinion is removed that there is something divine, besides this visible nature of things, absolutely nothing remains by which desires are aroused or the most shameful things are restrained, by which the minds of men are dragged to the worst things. Therefore, God delivered them up to the desires of their own hearts, to uncleanness, so that their own bodies would be dishonored among themselves (2). And you, Venerable Brothers, are not unaware of how the leprosy of corrupted morals spreads from all sides, and that civil power will be unable to restrain it, unless it seeks refuge in the defenses of that higher order, which we have mentioned. But neither will anything human be effective in healing the other diseases,

Translated by churchlatin.ai, a product of Boyne Archives

if the memory of the fact that all power comes from God is lost or denied. For then, with a single restraint removed, all things will be governed by force, a force which is neither constantly applied nor always in hand; so that the people suffer from a kind of hidden disease, despise everything, proclaim their own will as law, lament seditions, and sometimes bring about changes in the republic (1). (1) Romans 1, 21-22. (2) Ibid. 1, 24.

[*Latin ed. p. 522*]

522 Encyclical letters, most turbulent, mix together divine and human rights. When God is removed, no respect remains for the laws of the state, nor for even necessary institutions; justice is scorned, and even natural liberty itself is oppressed; it comes to the point where the bonds of domestic society, the very foundation and strongest support of civil union, are dissolved. Consequently, in these times hostile to Christ, it becomes more difficult to apply the remedies that the Church itself has devised to restrain peoples in their duty. However, salvation is found only in Christ: Neither is there salvation in any other. For there is no other name under heaven given to men, whereby we must be saved (1). Therefore, we must return to Him, kneel at His feet, and draw the words of eternal life from His divine mouth; for only He can indicate the way to restore salvation, only He can teach the truth, only He can restore to life, who said of Himself: "I am the way, and the truth, and the life. No man cometh to the Father, but by me" (2). Having again attempted to manage human affairs separately from Christ, the building begins to be erected with the rejected cornerstone, which Peter reproached those who crucified Jesus (3). But behold, the structure, rebuilt in this way, collapses, breaking the necks of those who are building it. Meanwhile, Jesus remains, the cornerstone of human society, and the statement is again confirmed that salvation is found only in Him: "This is the stone which was rejected by you the builders, which is become the head of the corner. And there is no salvation in any other. For there is no other name under heaven given to men, whereby we must be saved" (3). From these things, Venerable Brothers, you can easily understand how urgently each of us is compelled, with all the strength and means at our disposal, to promote this supernatural life in every order of human society, from the humble worker who earns his daily bread through long labor, to the powerful rulers of the earth. First of all, through private prayer and public supplications, we must implore the mercy of God, that He may grant His powerful help, with which the Apostles, once tossed about by the storm, cried out: "And they came to him, and awaked him, saying: Lord, save us, we perish" (4). Although even this is not enough. Gregory attributed a fault to a bishop who, through neglect of prayer and devotion, did not go forth into the arena to fight strenuously for the cause of the Lord, saying: "The name of a bishop is empty" (5). And rightly so; for he is a light (1) Acts 4:12. (2) John 14:6 (3) Acts 4:11, 12. (4) Matthew 8:25. (5) Registr. vi,

Translated by churchlatin.ai, a product of Boyne Archives

63 (30). Cf. Regul. Past. i, 5.

[*Latin ed. p. 523*]

ENCYCLICAL LETTERS 525 must be constantly brought to the minds of men through the preaching of truth and the vigorous refutation of erroneous opinions, through the true and solid science of philosophy and theology, and through all those aids which have arisen from genuine historical investigation. Moreover, all must be diligently instructed in the moral precepts handed down by Christ, so that they may learn to exercise self-control, to govern their affections, to curb swelling pride, to obey authority, to practice justice, to embrace all with charity, to temper the bitterness of unequal fortune in civil society with Christian love, to turn their minds away from earthly goods, to be content with the lot that Providence has given them, and to be more diligent in fulfilling their duties, striving for the future life with the hope of eternal reward. Above all, it must be ensured that these things take root in the minds and hearts, so that true and solid piety may take deeper hold; that each one, both as a man and as a Christian, may prove his worth not only in words, but also in deeds; and that, with the confidence of a son, he may turn to the Church and its ministers, through whose ministry he may obtain forgiveness, be strengthened by the grace of the Sacraments, and order his life according to the precepts of the Christian law. This sacred office is accompanied by the charity of Christ, by whose inspiration no one should be left lying prostrate, no one should be left in sorrow, and no need should go unaddressed. Let us devote ourselves entirely to this kind of charity; let all our things yield to it; let our own advantages and conveniences be set aside, so that, having become all things to all men (1), we may seek the salvation of all, even at the cost of our own lives, following the example of Christ, as demanded by the pastors of the Church: "I am the good shepherd. The good shepherd giveth his life for his sheep" (2). These documents are illustrated by the writings left by Gregory, and by the many examples of his admirable life, which express his power far more effectively. Because these things necessarily flow from the nature of the Christian revelation and from the very properties of our apostolate, you now see, Venerable Brothers, how much those are in error who believe that they can earn merit for the Church and contribute fruitful service to the eternal salvation of men, if they lavish much on profane prudence, on the false name of science, led by a vain hope, and thus more easily err to their own detriment.

(1) 1 Corinthians ix, 22.

(2) John x, 11.

[*Latin ed. p. 524*]

524 ENCYCLICAL LETTERS, which, while seeming to reconcile, in reality commit themselves to the danger of ruin. But the truth is one and cannot

Translated by churchlatin.ai, a product of Boyne Archives

be divided; it endures eternally, subject to no passing times: Jesus Christ, yesterday, and today: the same, also in ages (1). Also, those are greatly deceived who, when distributing public benefits, especially when acting in the cause of the people, and concerned with matters pertaining to the sustenance and care of the body, completely neglect the salvation of souls and the most important duties of the Christian profession. And sometimes they are not ashamed to cover certain precepts of the Gospel as if with veils, fearing that they might perhaps be less heard or completely abandoned. It will indeed be foreign to prudence, even when presenting the truth, to proceed gradually, when dealing with those who abhor our institutions and are completely separated from God. As Gregory says, "Wounds must first be touched with a gentle hand (2)." But this very prudence will take on the appearance of carnal prudence if it becomes the standard for action; and all the more so because through it, divine grace seems to be held in low esteem, which is not granted only to the priesthood and its ministers, but to all faithful Christians, so that our words and deeds may penetrate their souls. But this kind of prudence was unknown to Gregory, both in the preaching of the Gospel and in all his other actions, which he performed with such wonder in relieving the poor. He constantly followed the footsteps of the Apostles, whose words were: "But we preach Christ crucified: unto the Jews indeed a stumblingblock, and unto the Gentiles foolishness (3)." Yet, if there was ever a time when human prudence seemed most appropriate, it was certainly when, in receiving such a new doctrine, so contrary to common desires, so opposed to the flourishing humanity of the Greeks and Romans, there was no preparation of minds. Nevertheless, the Apostles considered this kind of prudence to be foreign to them, to whom divine decrees had been revealed: "For, seeing that in the wisdom of God, the world, by wisdom, knew not God, it pleased God, by the foolishness of our preaching, to save them that believe (4)." That foolishness, as always, so now also (1) To the Hebrews, x, 8. (2) Registr. v, 44 (18) to John, bishop. (3) 1 Corinthians i, 23. (4) Ibid., i, 21.

[*Latin ed. p. 525*]

ENCYCLICAL LETTERS: The power of God (1) is made manifest to those who are saved, that is, to us. Just as the cross was, as before, so it will be in the future, the most powerful of all weapons; just as it was formerly, so it will be for us henceforth, in that sign, victory. However, Venerable Brothers, these weapons will lose all their power and will be of no avail if they are wielded by those who do not live a spiritual life with Christ, who are not truly and firmly established in piety, who do not burn with a zeal for the glory of God and for the advancement of His Kingdom. All these things, therefore, Gregory considered to be so necessary that he devoted the greatest care to forming bishops and priests who were filled with a great desire for the divine honor and for the true

Translated by churchlatin.ai, a product of Boyne Archives

salvation of men. And he set this forth in a book which is entitled *The Pastoral Rule*, where norms are given for the wholesome instruction of the clergy and for the governance of sacred ministers, norms which are most suitable not only for those times but also for our own. As his biographer describes, he carried, as it were, the bright eyes of Argus (2) throughout the world, through his pastoral solicitude, so that if he detected any vice or negligence in the clergy, he would immediately take notice of it. Indeed, even the thought of the danger that corruption and vices might creep into the morals of the clergy filled him with trembling fear. If he discovered that anything had been done contrary to the discipline of the Church, he was vehemently angered by it, and he could find no peace. Then one would see him admonishing, correcting, threatening canonical penalties to the offenders, sometimes even imposing these penalties himself, and without delay, without regard for human affairs, he would repeatedly remove the unworthy from office. Furthermore, he frequently expressed in his writings many things which are read in these words: "What place can a man take in the intercession of God for the people, who does not know that he is a member of his family through the merits of his life?" (3) — "If passions live in his work, with what presumption does he hasten to heal, who bears a wound in his face?" (4) — "What fruit can be expected from those who are faithful to Christ, if the heralds of truth, by their actions, contradict what they preach with their words?" (5) — "He cannot correct the faults of others, whom his own faults destroy." (6)

(1) 1 Corinthians i, 18.

(2) JOHN, DIACONUS, *Life of Gregory*, book n, chapter 55.

(3) *Pastoral Rule*, i, 10.

(4) Ibid., i, 9.

(5) Ibid., i, 2.

(6) Ibid., i, 11.

[*Latin ed. p. 526*]

526 ENCYCLICAL LETTERS: He considers the following to be the model of a true priest, and thus describes him: He, already dying to all the passions of the flesh, lives spiritually; he puts aside the prosperity of the world; he fears no adversity; he desires only what is internal;... he is not led to acquire what belongs to others, but he generously gives of his own; he is more quickly inclined to forgive through the bowels of piety, but he never forgives more than is fitting, lest he deviate from the fortress of righteousness; he commits no injustice, but he laments the wrongs committed by others as if they were his own; he pities the weakness of others from the affection of his heart; and thus he rejoices in the good of his neighbor, just as he rejoices in his own progress; he so insinuates himself to others that he is an example in all that he does, so that among them he has nothing of which he should

Translated by churchlatin.ai, a product of Boyne Archives

be ashamed, even concerning past events; he strives to live in such a way that he may also water the hearts of his neighbors with the flowing doctrine; he has already learned through the use and experience of prayer that he may obtain from the Lord what he desires (1). How seriously, therefore, Venerable Brothers, it is to be considered by a bishop with himself and before God, before he lays hands upon new candidates! For, Gregory says, neither grace, nor supplication, should embolden anyone to be promoted to the sacred orders unless his quality of life and actions demonstrate that he is worthy of this (2). How much deliberation is required before entrusting the duties of the apostolate to newly ordained priests! For, unless they have been justly proven through experience under the vigilant care of more prudent priests, unless there is clear evidence of a life lived honorably, of a mind inclined to piety, of a spirit prepared to obey all that the custom of the Church has induced, or that has been confirmed by long experience, or that the Holy Spirit has commanded bishops to govern the Church of God (3), they will perform their priestly duties not for the salvation of the Christian people, but for their ruin. For they will sow discord, and they will sow rebellions, more or less hidden, presenting a sad spectacle to the people, as if there were conflicting wills in our assembly, and these things, which are the pride and obstinacy of a few, are to be deplored. Far, oh far, from all duty are those who stir up discord; for the Church has no need of such apostles, nor do these perform the apostolate for Christ crucified, but they are apostles for themselves.

(1) Reg. Past. i, 10.

(2) Registr. v, 63 (58) ad universos episcopos per Hellad.

(3) Act. XX, 28.

[*Latin ed. p. 527*]

ENCYCLICAL LETTERS: The image of Gregory still remains before our eyes, present in the pontifical council at the Lateran Palace, surrounded by a crown of bishops from all sides, with the entire clergy of the city present. How fruitful is the exhortation flowing from his mouth concerning the duties of clerics! How much ardor burns within him! His prayer, like lightning, pierces wicked men; his words are like so many scourges, with which the slothful are shaken; they are flames of divine love, with which even the most fervent spirits are gently corrected. Read, Venerable Brothers, and have read to your clergy, and consider, especially during the sacred annual retreat, this admirable discourse of the saintly pontiff (1). He himself, not without great sadness of heart, laments among other things: Behold, the world is full of priests, but yet the Minister of God is very rare to be found in the divine service; for we have indeed undertaken the priestly office, but we do not fulfill the work of that office (2). And indeed, how many forces would the Church gather today, if she had as many ministers as she has priests? What abundant fruits would come to men from the

Translated by churchlatin.ai, a product of Boyne Archives

life of the divine Church, if each were devoted to explaining it? Gregory greatly aroused zeal in this regard, and with his own impetus, he caused it to prevail in subsequent times. Therefore, the period that intervened, the so-called "Gregorian" age, is distinguished by the fact that almost everything should be attributed to that pontiff, whether it be the rules for governing the clergy, or the manifold ways of publicly exercising charity and beneficence, or the teaching of perfect holiness and the institutions of religious life, or finally, the order and arrangement of ceremonies and the sacred rites. But a very different course of time has followed. As we have often said, nothing has changed in the life of the Church. For the inheritance received from the divine Founder possesses such power that it is able, in all ages, however dissimilar they may be, not only to provide for the needs of souls, which is its own function, but also to contribute greatly to the growth of true humanity, which indeed follows from the very nature of its ministry. And it cannot be that what has been entrusted to the Church to safeguard, namely, whatever is true, good, and beautiful that is perceived in the nature of earthly things, does not, above all... (1) Hom. in Evang. i, 17. 1527 (2) Ibid., n. 5.

[*Latin ed. p. 528*]

528 Encyclical letters should promote, and all the more effectively, the greater they refer to the supreme principle of all truth, goodness, and beauty, which is God. Great is the fruit of divine doctrine for human knowledge, whether because through it the field for the swift discovery of new things, even of natural order, is opened up, or because through it the path to right investigation is made clear, and errors concerning the reason of discipline and the way to acquire it are removed. Thus, like a beacon shining from a tower, it reveals to those navigating in the darkness many things that lie hidden in obscurity, while at the same time warning of the rocks to which a ship, if drawn near, would suffer shipwreck. And what of the matters concerning morals, since the Lord Savior presents to us the highest example of perfection, namely, Himself, the Divine Goodness? It is clear how great an incentive is added to them, so that the natural law, inscribed in the hearts of all, may be retained more deeply and perfectly, and thus both individuals, and the domestic society, and finally, the entire human community may enjoy a more prosperous life? This, indeed, was the power that transformed savage men from ferocity to humanity, that vindicated the dignity of woman, that shook off the yoke of slavery, that restored order, with bonds of equity with which the various conditions of citizens are mutually restrained, that restored rights, that proclaimed true freedom of the mind, and that safely looked forward to domestic and public tranquility. Finally, the arts, aspiring to the eternal model of all beauty, which is God, from whom all individual species and forms that exist in nature originate, more easily depart from the common perception,

Translated by churchlatin.ai, a product of Boyne Archives

and more powerfully express the idea conceived in the mind, in which the life of art consists. And it is scarcely possible to say how much good has been brought about by the judicious use of the arts in the service of religion, so that whatever is offered is preferred, not merely for its monetary value, but for its abundance and richness, for the beauty and elegance of its form. Hence, the origin of the sacred arts, upon which every profane art is founded, and upon which it still rests. We have recently touched upon this in a special *Motu proprio*, concerning the restoration of the Roman chant to the traditions of our ancestors, and concerning sacred concerts. But the other arts, according to their respective subjects, are governed by the same laws, so that what is said of chant applies equally to painting, sculpture, and architecture, as (1) MATTHEW V, 48.

[*Latin ed. p. 529*]

529 Encyclical letters have always stirred and nourished the noblest aspects of human nature within the Church. With this sublime form, the entire human race is nurtured, and temples are erected, where, in the house of God, as if in their own dwelling, amidst the most splendid collection of arts, amidst august ceremonies, and amidst the sweetest harmonies, minds are drawn back to heavenly things. As we have said, Gregory was able to bring these benefits to his age and to those that followed. And, in these times as well, in which we stand firm in the solidity of foundations and are equipped with these means, it will be permissible to achieve these things, if those things which are still good, by the grace of God, remain, and if those things which have strayed from the right path are brought back to Christ (1). It pleases Us to conclude these letters with the very words with which Gregory himself concluded that memorable prayer delivered in the Lateran Palace: "Brothers, ponder these things carefully with you, and impart them generously to your neighbors; prepare to render to Almighty God the fruit of the work that you have received." But what we say will be better achieved among you through prayer than through speaking. Let us pray: "O God, who willed to call us as shepherds in your people, grant, we beseech you, that what we say with our human voice may be pleasing in your sight (2)." While we trust that the Holy Pontiff Gregory, the intercessor, will move God to graciously hear these prayers, as a sign of the blessings of heavenly gifts and a testament to Our paternal benevolence, We impart the Apostolic Blessing to you all, Venerable Brothers, to your clergy and to your people. Given in Rome, near St. Peter's, on the 4th of the Ides of March, in the year 1904, on the feast of St. Gregory I, Pope and Doctor of the Church, in the first year of Our pontificate. } PIUS PP. X

(1) Ad Ephesios, i, 10.

Translated by churchlatin.ai, a product of Boyne Archives

(2) Horn, cited, n. 18. Acts, Vol. XXXVI, page CDXXIX, 34.

[*Latin ed. p. 530*]

530 APOSTOLIC LETTERS from the Most Holy Pope Pius X, concerning the academic degrees to be conferred in Sacred Scripture by the Biblical Commission. PIUS X. For the perpetual memory of this matter. The study of Holy Scripture is increasingly to be promoted among the clergy, and We are reminded of Our Apostolic office, especially at this time, when We see the very source of divine revelation and of faith being, throughout the world, brought into danger by the excesses of human reason. Our blessed predecessor, Leo XIII, understood this very thing, and He did not consider it sufficient to have issued, in the year 1893, His own Encyclical Letters on the subject of biblical matters, Providentissimus Deus (1), and a few months before his death, with the Apostolic Letters Vigilantiae (2), He established a special Council in the city of Rome, composed of several Cardinals of the Holy Roman Church and other learned men, which, with its outstanding doctrine and the traditions of the Church, and also with the support of advancing scholarship, would contribute to legitimate biblical exegesis, and at the same time would be available to Catholics, both to assist and guide their studies in this field, and to resolve any controversies that might arise among them. We, as is fitting, embrace with Our care and authority the distinguished monument of pontifical foresight left by Our Predecessor. Indeed, even now, confident in the newness of this Council or Commission, We have decided to employ its efforts in a matter which We consider to be of great importance for the promotion of the study of Scripture. For this purpose, We wish to provide a certain account of how a good supply of teachers can be obtained, who, recommended by the gravity and sincerity of their teaching, would interpret the divine books in Catholic schools. For this purpose, it would certainly be beneficial, as We know it was in the wishes of Leo, to establish a special Athenaeum in the city of Rome, adorned with higher teaching and with all the instruments of biblical scholarship, to which young men chosen from all parts would come, to become outstanding in the knowledge of divine words. But since, at present, We lack the means to accomplish this, (1) Cf. Acta S. Sedis, Vol. XXVI, page 269. (2) Ibid. Vol. XXXV, page 234.

[*Latin ed. p. 531*]

APOSTOLIC LETTERS 531. Concerning the establishment of a faculty, which, we have good and certain hope, will one day be supported by the generosity of Catholics, meanwhile, as far as circumstances permit, we have decreed, by these letters, to put this into effect. Therefore, for the good and salvation, and for the benefit of the Catholic cause, by Our Apostolic authority, we establish academic degrees of "licentiate" and "doctor" in the discipline of Sacred Scripture, to be conferred by a Biblical

Translated by churchlatin.ai, a product of Boyne Archives

Commission, according to the following laws:

I. No one shall be admitted to the academic degrees in Sacred Scripture who is not a priest from one of the Orders of the Clergy; and furthermore, unless he has obtained a doctorate in Sacred Theology, and that doctorate has been conferred by a university or academy approved by the Apostolic See.

II. Candidates for the degree of licentiate or doctor in Sacred Scripture shall undergo an examination, both orally and in writing, on matters to be determined by the Biblical Commission.

III. It shall be the duty of the Commission to examine the knowledge of the candidates, and to appoint judges, who shall be at least five in number, and chosen from the ranks of the consultants. However, the Commission may delegate this judgment, for the licentiate degree only, to other suitable men, at times.

IV. He who seeks the degree of licentiate in Sacred Scripture may be admitted to the examination immediately after obtaining the sacred degree in Theology; but he who seeks the doctorate shall not be admitted unless one year has elapsed after having obtained the licentiate.

V. With regard to the doctrine to be examined for candidates for the degree in Sacred Scripture, it must be expressly noted that the candidate shall write out a certain thesis, which he himself has chosen and which the Biblical Commission has approved, and that he shall afterwards, in a proper assembly in Rome, recite it and defend it against the objections of the examiners.

We decree these things, and We establish them, notwithstanding any contrary provisions.

It remains for Venerable Brothers, Bishops, and other sacred prelates, to seek the benefit of these Our statutes in their respective dioceses, and We promise them abundant fruit from them. Therefore, let them encourage and assist those in their clergy whom they see to be naturally gifted for the study of the Scriptures, and who are suitable for obtaining the insignia of this discipline; and let them hold in higher regard those to whom they entrust the teaching of Scripture in the sacred seminary.

[*Latin ed. p. 532*]

BULLA. Given at Rome, near St. Peter's, under the seal of the Fisherman, on the twenty-third day of February, in the year 1724, in the first year of Our Pontificate. L. & S. A. CARD. MACCHI. BULLA of the Most Holy Pope N. Pius, concerning the institution of an Apostolic Visitation of all the churches and pious places of the venerable City.

PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, TO THE ENTIRE CLERGY AND THE ROMAN PEOPLE, GREETINGS AND APOSTOLIC BENEDICTION.

Translated by churchlatin.ai, a product of Boyne Archives

Since, by the secret counsel of God, We have been raised to the highest summit of the apostolate, having not at all desired it, We have heard from the mouth of the Lord: "My sheep, My flock"; so that We may understand that the entire Church has been entrusted to Our care, and that We must devote Ourselves entirely and strive for the advancement of the salvation of all, with equal zeal.

But first of all, We have perceived that We have been appointed bishops to the Roman people; for We ascended the Chair of the Blessed Peter only through the Roman Episcopate, and We bear the highest office of the Catholic name. Therefore, We also feel that We must first of all direct Our attention to the interests of this Church, which is the most noble of all churches, and devote Our studies and labors to it above all else.

And this is even more strongly imposed upon Us, because Rome, by divine ordination, is established as the center of Catholic unity, from which the light of truth, which is revealed for the salvation of all nations, is poured forth, as from a head, throughout the entire body of the world; it is necessary that from there also the sweet fragrance of Christ should remain for all the faithful, and that from it both the law of belief and the example of life should be sought.

Therefore, since We have proposed the restoration of all things in Christ, it is fitting that it should begin with the clergy and the Roman people; so that, with a renewed spirit, all those who are in this City, whether from the sacred or secular order, may strive for holiness and justice.

[*Latin ed. p. 533*]

BULLA 533, even though the season is unfavorable, let it be carried out with greater zeal. For this reason, We have decided to undertake a pastoral Visitation, in accordance with the episcopal office; and We announce it, for the praise and honor of Almighty God and for the edification of the Holy Roman Church, through these present letters; which shall begin on the Sunday in Albis, in the Sacred Lateran Basilica, and subsequently in other patriarchal, collegiate, and parochial churches, and in their chapters and among their clergy, as well as in monasteries, convents, and churches of any order, of both men and women, in colleges, confraternities, and other places subject to ecclesiastical authority (1). Indeed, We ourselves greatly desired to institute this Visitation. But since We are prevented by the circumstances of the times; following also the example of Our Predecessors, We have determined to entrust this important task to men distinguished by dignity, learning, and experience, to whom We shall provide the necessary faculties and appropriate instructions for the proper performance of their office (1). The Very Reverend Vicarius of the City, fully complying with the mandates of Pope Pius X, on March 21, 1904, issued a Notification for the Sacred Apostolic Visitation of the Alma City, which he himself will begin on the Sunday in Albis from the patriarchal Basilica of the Lateran, ac-

Translated by churchlatin.ai, a product of Boyne Archives

cording to the rite prescribed by the Pontifical Roman. Therefore, the Most Reverend Cardinal Respighi, at the end of the aforementioned Pontiff's pontificate, in order that Christ may be established throughout the City, has especially decreed the following: I. On the Sunday preceding the Sacred Visitation, each patriarchal or parochial church shall expose the Most Holy Sacrament for public veneration of the faithful for two continuous hours, and then the service shall conclude with the Litany of the Saints, "Tantum Ergo," and the Benediction. II. During the time of the Sacred Visitation, priests, whether secular or regular, shall add a Collect for the Holy Spirit in the Mass. III. The patriarchal and parochial churches will be visited by the Very Reverend Cardinal Vicarius himself, who will administer the Sacred Chrism to the faithful, distribute the Holy Synaxis, and administer the Sacrament of Confirmation to children who have completed at least six years of age. They shall recite the Creed, the Our Father, and the Hail Mary in Latin, not in the vulgar tongue. IV. Without obtaining special written permission, it will not be permissible for the rectors of churches to lend to other churches any sacred vessels or furnishings during the time of the Sacred Visitation, under penalty of losing ownership of the items. V. The rectors of churches, where there are chapels under the patronage of others, which are in need of restoration, shall remind the patrons to provide what is necessary, according to their means. VI. Finally, indulgences, whether partial or plenary, granted by the Roman Pontiff, shall be granted to all who faithfully fulfill the prescribed works, with the faculty of applying them to souls in Purgatory.

[*Latin ed. p. 534*]

534 We issue the following instructions for the execution [of the visitation]. Therefore, We choose and appoint Our beloved son Peter, Priest, Cardinal of the Title of the Four Crowned Saints of the Holy Roman Church, Respighi, Our General Spiritual Vicar in the City, to carry out said visitation in Our name and with Our authority, and to preside over it; and We add to him several bishops and prelates of the Roman Curia, namely the Venerable Fathers Joseph Ceppetelli, Patriarch of Constantinople; Henry Grazioli, Archbishop of Nicopolis; Nicholas Joseph Camilli, Archbishop of Tomis; Maur Nardi, Bishop of Thebes, who will serve as secretary; Raphael Virili, Bishop of Troas; and the beloved sons Basil Pompili, to whom We entrust the office of assessor; William Sebastiani, whom We constitute as judge of causes and executor of the decrees of the visitation; Benedict Melata; Peter Piacenza; Frederick Polidori; John Baptist Nasalli-Rocca; Louis Schüller; John M. Zonghi; Alexander Avoli; Evarist Lucidi; and August Sili. Furthermore, We name the beloved sons Boniface Oslaender, Abbot of the Monastery of St. Paul outside the city, of the Order of Saint Benedict, Congregation of Gassina; Paul of the Plebe of Controni, Apostolic Delegate, General Defector of

Translated by churchlatin.ai, a product of Boyne Archives

the Order of Capuchins; Hyacinth M. Cormier, Procurator General of the Order of Preachers; and Aloysius Palliola, of the Congregation of the Most Holy Redeemer, so that they may lend their efforts, especially in matters pertaining to religious families of both sexes. And if, moreover, it should appear necessary, We shall designate other suitable men from the clergy for the same purpose. And since, in carrying out this great work, matters of greater importance will undoubtedly arise, We wish that these be referred to the Sacred Congregation of Venerable Brothers and Beloved Sons, Our Cardinals, who are entrusted with the affairs of the Apostolic Visitation of the churches of the City, who, after mature examination, will then reveal their opinion to Us. And so that, in this undertaking, We may not fail to seek help from Him from whom all good gifts and every perfect gift comes, We command that public prayers be held, and especially the august Sacrament be publicly and solemnly presented in the patriarchal basilicas and other churches, with the addition of the sacred indulgences, as We shall further direct through the aforementioned Cardinal Vicar.

[*Latin ed. p. 535*]

LETTERS IN BRIEF FORM 535. We therefore exhort the clergy and people of Rome not to receive the grace of God in vain; but, most diligently obeying Our desires, let each one, according to his condition, strive for the happy outcome of the Sacred Visitation. May the City which is illuminated by the See of Peter be a leader and teacher of holiness to the entire world, with its morals corrected, the reverence for sacred buildings increased, holy observance of feast days, and all virtues cultivated! Indeed, we hope and so confidently trust that the Most High God will favorably assist Our endeavors. For we avail ourselves of the help and the most powerful intercession of the Immaculate Mother of Christ, to whom special honors are offered this year, both by the Roman people and by other faithful; and also of the prayers of the Apostles Peter and Paul, and of other Saints, who either watered our City with their blood or consecrated it with their virtues. Given at Rome, at Saint Peter's, in the year one thousand nine hundred and thirty-four, on the third day before the Ides of February, in the first year of Our Pontificate. A. CARD. MACCHI. A. CARD. DI PIETRO, Pro-Datary. Visited by De Curia I. DB AQUILA and the Vice-Comites. Place: "si Plumbi Reg. in Secret. Brevium. V. CUGNONIUS. LETTERS IN BRIEF FORM From Our Most Holy Lord Pope Pius X, by which the widest powers are granted for the Apostolic Visitation to be carried out in the City. PIUS POPE X. Beloved Son, Venerable Brothers and beloved Sons, greetings and the Apostolic blessing. What Our intention has been in ordering the Sacred Visitation of all the churches and pious places of the Alma City, is made known by Our recently published Letters under the seal, the beginning of which is:

Translated by churchlatin.ai, a product of Boyne Archives

"When.

[*Latin ed. p. 536*]

536 The *LITTERAE IN FORMA BREVIS* clearly demonstrate the hidden design of God. We require now your zeal, diligence, and vigilance, beloved Son, venerable Brothers, and beloved sons, whom we have in this office and to whom we have entrusted power. Therefore, so that nothing may hinder your ministry, and indeed, so that everything may be available to you which can contribute to its holy and successful fulfillment, We have decreed to endow you with the most ample faculties, following the example of Our Predecessors, the Roman Pontiffs, which, above all, We grant to you, beloved Son, who carries out the Visitation in Our name and must preside over it, and which We communicate to you all and to each of you through these *Litterae in Forma Brevis*, namely:

I. To refer to Us, through you, by word of mouth, all mandates and instructions concerning the Visitation itself, and those received from Us during the Visitation, to those to whom they pertain, and to issue them orally in Our name, so that full and unquestionable faith may be given to your reports and commands, and that they may be observed firmly as if they were Our Apostolic mandates, We will and command.

II. To decide, enact, and order to be carried out all mandates and precepts necessary and appropriate concerning those matters which relate to the preparation, status, progress, and execution of the Visitation.

III. To summon and personally require to appear before you all persons, whether ecclesiastical, secular, or regular of any Order or Institute, as well as laypersons, concerning matters and affairs pertaining to the Visitation, and to compel them with appropriate legal and factual remedies.

IV. To examine those same persons, whether as principal actors, or as witnesses, or as principal actors concerning themselves, and as witnesses concerning others, and to admonish them, and even to compel them, to testify truthfully, to administer oaths to them, and to demand and receive them according to the prescriptions of the Sacred Canons, and to restrain those who refuse, through ecclesiastical censures and other penalties, as you deem fitting.

V. To receive petitions and memorials, even those addressed directly to Us, as well as instructions, reports, denunciations, complaints, even secret ones, against any persons, and to report them to Us, or otherwise, as the nature of the matters and persons requires, to provide for them according to Our ordinances, by virtue of the authority We have entrusted to you.

[*Latin ed. p. 537*]

I. Letters in brief form 537 VI. Congregations of certain persons, which you will deem necessary to consult with regarding the aforementioned matters, and to summon those same persons by Our authority, and to discuss,

Translated by churchlatin.ai, a product of Boyne Archives

consult, and deliberate with them concerning the affairs of the Visitation. VII. To choose and appoint one or more Commissioners, or Fiscal officers, as well as a Chancellor, and also an Examiner, and other officials, whom you may use in the work of the Visitation, and to remove and replace the chosen one or ones as often as you deem necessary. VIII. Whenever it seems necessary, and even separately from you, beloved Son, who, in Our name, conduct the Visitation and to whom you must give precedence, and to all of you, Venerable Brothers and beloved sons, and repeatedly to all the churches, whether within or outside the aforementioned city, but within its district, including those exempt from the ordinary jurisdiction of the city's Vicar, to suspend, abrogate, and set aside, for the sole purpose of the Sacred Visitation, any ancient custom or Apostolic Constitutions, as well as all other rights and privileges, especially those worthy of special or even the most special mention, pertaining to Patriarchal, Collegiate, or other churches, even those held by Cardinals of the Holy Roman Church by reason of their title or denomination, and all others in any way or for any reason subject to them, or to any chapel or oratory, or to monasteries of men and women, priories, secular houses and places, or to any order, congregation, or institute of regular canons, or to hospitals, however exempt, and those immediately subject to Us and the Apostolic See, and generally to all other pious places and works, whatever their name, and whatever privileges, exemptions, and immunities they may enjoy, even if specific and individual mention of them were to be made, and to their Chapters, Convocations, Universities, Colleges, Congregations, Confraternities, Archconfraternities, even those of lay people, to conduct a Visitation, and to visit them and all of them, and to inquire into their condition, form, rules, institutions, administration, statutes, customs, life, rites, morals, discipline, doctrine, and the suitability of individual persons, both collectively and individually, and both in their leadership and in their members, and also concerning the divine worship, and to...

[*Latin ed. p. 538*]

538 IX. The *Litterae* (Letters) shall specify the various functions, the adornment of the churches, the disposition of fruits and revenues, the observance of the regular discipline of Religious, both men and women, and all other matters and particulars in any way pertaining to the execution of this Visitation; and for this purpose, whatever archives, libraries, and all documents and instruments contained therein, including accounts of receipts and disbursements, calculations and reckonings, shall be diligently examined, inspected, and scrutinized; especially the Most Holy Sacrament of the Eucharist and the sacred relics, and the vessels, pyxes, reliquaries, and tabernacles in which the Most Holy Sacrament and the sacred relics, and things pertaining to other ecclesiastical sacraments, are contained; also, clothing, ornaments, and instruments, utensils, and ecclesiastical furnish-

Translated by churchlatin.ai, a product of Boyne Archives

ings, even those of value, shall be diligently and carefully inspected, and any persons shall be compelled and required to present whatever is necessary for the aforementioned purposes; and in all and each of these matters, if you discover any need for correction, amendment, or reform, you shall correct, amend, and reform, unite, transfer, improve, and carry out the necessary procedures, and report to Us, or, according to Our instructions, provide for the execution of mandates, decrees, statutes, and ordinances, and order that they be observed and obeyed; finally, all other matters and particulars which concern the business, further progress, execution, and in it, mandates, decrees, statutes, and ordinances, and which concern or will concern, or in any way pertain to them, shall be carried out, performed, executed, mandated, and ordered.

IX. Those who contradict you in the aforementioned matters, and who are disobedient and rebellious, and those who provide assistance, counsel, or favor to them, publicly or secretly, directly or indirectly, in any way, shall be restrained by means of suspension and even deprivation of benefices and ecclesiastical offices, and by ecclesiastical and temporal censures and penalties, and by other appropriate legal and factual remedies, with a postponed appeal.

X. In this Visitation, you shall maintain such order as you deem most convenient and useful, and you shall take care to observe the precedence among churches, monasteries, and all places that you are to visit. For We, by this method of acting, do not intend to impose any obligation on any church, monastery, or place, nor on any chapter or convent.

[*Latin ed. p. 539*]

BRIEF FORM LETTERS 539. To a confraternity, or to a person, whether joined together or separately, or in any other way whatsoever, concerning any matter, even the smallest, regarding precedence and other privileges, We decree and declare that nothing shall be prejudiced to them, nor shall any new right be acquired.

X. When visiting the parishes of the city, the poor, the sick, and those gravely ill, whom you will visit in Our name, and whom you will assist with spiritual and material aid, We grant the Apostolic Blessing once, and to those among them who, before or after your visit, have truly repented and confessed, and have received the Holy Communion, We grant a plenary indulgence and remission of all their sins, which We grant to each of them once.

XI. To you, Our beloved son, and to you, Venerable Brothers, We grant a special faculty in the churches, even patriarchal ones, and in other churches and places visited by you, to consecrate altars and the churches themselves, or to reconcile those churches, or those attached to them, or even cemeteries, bells, chalices, patens, crosses, ecclesiastical vestments and ornaments of every kind, and water, as is customary, to administer the Sacrament of

Translated by churchlatin.ai, a product of Boyne Archives

Confirmation, to celebrate the Holy Sacrifice of the Mass, as well as Vespers and all other divine services with solemn and pontifical rites, and to preach the word of God, and to give sermons to excite and kindle in the hearts of the faithful love and fear of God, publicly to the clergy and the people, or otherwise privately, as the occasion and necessity may require, and to perform all other pontifical duties, even those which require a more special mark and expression, and which are not included under the general grant of this kind, even with regard to otherwise capable and suitable persons.

XII. If it should happen that to an altar, even a privileged one, or to a chapel, a large number of Masses has been assigned by various bequests of the deceased, so that it cannot be fulfilled on the prescribed days, whatever you see to be more conducive to the honor of God, the benefit of the churches, and the salvation of the souls of those who have left pious bequests, even by transferring part of these Masses to another altar, or altars, even not privileged ones, after careful consideration, and after establishing and ordering matters in such a way that the pious will of the deceased may be more conveniently and fully fulfilled in those altars, so that the Masses are...

[*Latin ed. p. 540*]

540. LETTERS IN BRIEF FORM. Altars of this kind, to which you have transferred the celebration [of the Mass], will suffice for those for whom the Mass is celebrated, just as if they had been celebrated at privileged altars, or at altars arranged according to the wishes of the deceased.

XIV. For the more facile and expeditious progress and completion of the Visitation, We grant to the Secretary and Assessor the faculty of enacting, establishing, ordering, mandating, prescribing, inhibiting, informing, reporting, and also of compiling series, describing, and in books or commentaries, or even in a public and authentic form, drafting documents and instruments, and all other matters, and whatever pertains to their office, to be carried out and exercised, even if they required a more special mark or expression, and which would not fall under the general commission of this kind. For We wish that the documents and writings which are made and issued by the aforementioned Secretary and Assessor, or by either of them, and which are secured by their hand and the seal of the Visitation, should have full and unquestionable validity now and in all future times, both in court and outside of it, and that no other proof should be required for this purpose.

XV. All complaints, accusations, and denunciations against any persons, whether ecclesiastical or secular, regular or lay, of any status, rank, dignity, and prominence, are to be received and heard, and causes arising from the said Visitation, or from any other cause, whether ecclesiastical or secular, are to be heard, examined, and, according to Our mandates, or otherwise, as justice may suggest, and as order dictates, to be decided and concluded.

Translated by churchlatin.ai, a product of Boyne Archives

And so that all may freely present denunciations, complaints, and accusations, and all causes pertaining to the said Visitation, We grant to all, both lay and clerical, even those in the Sacred Orders and in the secular priesthood, and of any Order, Congregation, or regular Institute, even those adorned with any Episcopal or higher ecclesiastical or worldly dignity or prominence, who in the course of the same Visitation, or otherwise, on the occasion thereof, have revealed, openly or secretly, spontaneously or at the urging of others, in court or outside of court, anything pertaining to the aforementioned causes, or who have given testimony in the premises,

[*Latin ed. p. 541*]

LETTERS IN BRIEF FORM 541, or for some other reason, have written, subscribed, indicated, dictated, delivered, inquired, or, when questioned, have responded; or, in order to defend or convict the accused, have provided evidence, a vote, assistance, counsel, or favor, either directly or indirectly; or, whether as ordinary judges, or delegates, guards, scribes, witnesses, notaries, advisors, procurators, lawyers, or in any other way have become involved in the aforementioned matters, so that they may not, for this reason, incur any penalty, or ecclesiastical censure, or a mark of irregularity, We grant indulgence in Our name and authority. XV. All and each causes, whether pending or already heard before any judges, whether ordinary or delegated, and also those with deadlines, together with all and each incidents, dependencies, emergences, attachments, and connections thereof, and the entire principal matter, are to be brought before You by Our authority; and these are to be heard, investigated, and, as the law requires, concluded properly, simply and plainly, without pomp and circumstance, solely by considering the truth of the facts. XVI. To the judge of causes and executor of decrees appointed by Our authority for the aforementioned Visitation, it is entrusted to execute and ensure the observance of all that has been decreed, established, and ordered in that Visitation, against those who are disobedient and negligent; and also, with regard to any crime detected during that Visitation, to investigate and proceed against the accused and offenders, and their accomplices and supporters, of whatever status, dignity, order, and condition they may be, even through a summary accusation, simply and plainly, without pomp and circumstance, solely by considering the truth of the facts, and to punish the accused, as canon law requires, and also, with regard to the aforementioned matters, and also to any other ecclesiastical causes entrusted to you, even without a special commission, among Chapters, Congregations, Colleges, Universities, Confraternities, Archconfraternities, and their superiors and individual ecclesiastical persons, whether secular or of any order, even regular orders, even exempt, and supported by any privilege or immunity, even those immediately subject to Us and the Apostolic See, to be moved and to move them, together with all their

Translated by churchlatin.ai, a product of Boyne Archives

incidents, dependencies, attachments, and connections, even simply and plainly, and otherwise as may be deemed appropriate.

[*Latin ed. p. 542*]

542 In brief form, using essential terms, either within a single context or even without strict adherence to them, but instead employing terms at Your discretion and proceeding according to the mandate of this Visitation, to hear and, with due diligence, to conclude matters, and for this purpose and for other contingencies that may arise, whether through a public edict, We summarily and extrajudicially order the summoning and warning of those who may be involved, and to Judges and other persons, as and when necessary, even through a similar edict, and also under ecclesiastical censures and penalties, as well as fines, the amount of which the aforementioned Secretary may regulate and increase at his discretion, and to those who disobey, We order that the aforementioned censures and penalties, even repeatedly, be increased, and that mandates, prohibitions, injunctions, and warnings, even under the aforementioned censures and other penalties, and with other remedies deemed appropriate, be issued, with all and any appeals postponed, and that all matters pertaining to the foregoing, and all that is necessary or in any way suitable, be done, ordered, and enforced, even those requiring a more specific expression, and subject to the general concession, but always with the limits prescribed by the Visitors, together with any advice given, and except for always the causes of greater importance, to be presented to the Congregation of the Most Holy Fathers, Cardinals, of the Holy Roman Church, in accordance with the power conferred by the aforementioned Indiction Bull regarding the Visitation of the churches and pious places of the city, and the prelates thereof. XVIII. For the more expeditious handling of cases, and to the extent possible, to reduce the expenses of the parties involved, We order that a simple and straightforward indication of the writings and rights existing in the tribunals, or archives, or notarial offices of the same city, and their notes and private copies, be presented, and that these, for the purpose of proof, be given the same validity in judgment as if they had been formally and authentically transcribed, or other original documents exhibited. We command all and each, with whatever dignity, authority, power, and eminence they may be endowed, that they promptly obey and comply with You and with each of You in all and each of the foregoing matters, otherwise, the sentences or penalties that You may duly impose or determine against those who rebel will be considered valid and will be enforced, by the authority of the Lord, until full and proper satisfaction is achieved. Notwithstanding the Apostolic Constitutions and Ordinances, even those of Councils, and

Translated by churchlatin.ai, a product of Boyne Archives

of churches, monasteries, and hospitals...

[*Latin ed. p. 543*]

LETTERS IN BRIEF FORM 543, concerning such matters as Orders, Congregations, Archiconfraternities, Confraternities, and other pious institutions of this kind, also strengthened by oath, Apostolic confirmation, or any other means, with statutes and customs, even those of long standing, with established practices, natures, and the style of the Curia; also with privileges, indulgences, exemptions, and Apostolic Letters previously granted, and concerning any of these, and regarding superiors and their persons in any way mentioned and qualified, under whatever wording and forms, and with whatever clauses, even those that seem to contradict, and other clauses and decrees, even those that are invalid in general or in specific cases, even by *motu proprio*, or at the request and urging of any Catholic Prince, or through their consideration and insight, and also in a consistorial manner, and in other ways and at other times, granted, confirmed, and repeatedly renewed. Regarding all and each of these, even if for their sufficient derogation from them, a special, specific, explicit, and individual mention, or any other expression, word for word, and not merely through general clauses, would not have been made, but rather, considering that all and each of their contents, forms, and occasions are presented here for full and sufficient expression, inserted, and preserved respectively, they shall remain in their full force, specifically, and expressly, and completely derogating from the aforementioned, and we intend that they shall be derogated from, and notwithstanding any other provisions to the contrary. Given at Rome, near Saint Peter, under the Fisherman's ring, on the third day of March, 1904, in the first year of Our Pontificate. L. * S. A. CARD. MACCHI. To Our beloved Son, Peter, of the title of the Most Holy Crown, of the Holy Roman Church, a Priest, Cardinal Respighi, Our Vicar General for spiritual matters in the City and its district, to the Venerable Brothers, Archpriests, and to Our beloved Sons, Prelates of the Roman Curia, specially appointed by Us for the Visitation of Churches, and to the pious institutions of this city.

[*Latin ed. p. 544*]

544 ADDRESS which Pope Pius X gave to the Sacred College of Cardinals on the occasion of his name day, strongly condemning the unjust persecution by the French Government against religious congregations.

PIUS PP. X: We receive with great satisfaction the felicitous greetings that the Sacred College offers to Us, for the first time, on this auspicious occasion of the feast of Saint Joseph, whose revered name was given to Us in Holy Baptism. These greetings are a most welcome testimony to the filial and devoted sentiments of the Sacred College, and they double Our joy in a feast already dear to the Catholic world for so many reasons. Therefore, while

Translated by churchlatin.ai, a product of Boyne Archives

We offer heartfelt thanks to the Sacred College, We raise Our mind and Our heart to the most sweet Patron of the universal Church, that He may, in fulfillment of the prayers offered for Us, obtain from the Sovereign Giver of all good, light and help for Us in the exercise of Our arduous ministry, and for the Church that effective and benign protection of which She so greatly needs in these difficult and perilous times. And indeed, these struggles are certainly not lacking even in these days. And in truth, if We turn Our gaze to the condition of the great Catholic family, We undoubtedly find solid reasons for consolation, observing the beautiful and close union of the Episcopate with this Apostolic See, the affectionate movement of the peoples towards the center of unity, and the fruitful and ever-increasing development that the Catholic works are taking in all nations. On the other hand, however, We have ample cause for concern and bitterness in seeing with what ardor Catholic principles are opposed, with what persistence harmful errors are spread among the multitudes, to the detriment of both the Church and civil society, and with what perversity salutary institutions and works, founded by the Church with such diligence and with so many sacrifices for the moral and material well-being of the people, are destroyed in some places. And with regard to this last point, gentlemen Cardinals, you are aware of the painful events that have been taking place in France for some years. Since We were, by inscrutable counsel of divine Providence, raised to the chair of the Pontiff...

[*Latin ed. p. 545*]

ADDRESS 545 to the Apostles: We have not failed, as Our glorious Predecessor did before Us, to offer proofs of sincere affection to the illustrious French nation and of special deference to its Government. However, We must confess that, while We are greatly pleased by the continuous demonstrations of piety and attachment that We receive from that Catholic people, We are deeply saddened by the measures already adopted and those that are being adopted in the legislative sphere against the religious Congregations, which, through their excellent works of charity and Christian education, have contributed to the glory not only of the Catholic Church but also of the nation itself. As if it had not been immensely grave and deplorable what had been done up to this point in deference to them, it has been deemed necessary, despite Our repeated efforts to prevent it, to present and promote a project that aims not only to prohibit, with an unjust and odious exception, any teaching from members of religious Institutes, even those authorized, solely because they are religious, but also to suppress those Institutes themselves, approved for the specific purpose of teaching, and to liquidate their assets. Such a measure will, as everyone understands, have the sad consequence of destroying, to a very large extent, Christian education, the very foundation of any civil society, fostered and maintained by Catholics, under the protection of the law and at the cost of

Translated by churchlatin.ai, a product of Boyne Archives

the most generous sacrifices. In this way, countless children will be raised, contrary to the will of their parents, without faith and without Christian morals, to the incalculable detriment of souls; and, moreover, there will once again be the pitiful and disheartening spectacle of thousands of religious women and men, forced, without having deserved it in any way, to wander aimlessly and without resources throughout the territory of France, or to become refugees in foreign lands. We deplore and strongly condemn such rigor, which is essentially contrary to the concept of freedom rightly understood, to the fundamental laws of the country, to the rights inherent in the Catholic Church, and to the norms of civilization itself, which forbids striking at peaceful citizens who, while dedicating themselves, under the guarantee of the law, to works of Christian education, have never failed to fulfill any of the duties and obligations imposed on other citizens. Nor can We refrain from expressing Our sorrow regarding the decision to refer, as abusive, the letters found in Acta, Vol. XXXVI, p. CDXXIX, 35.

[*Latin ed. p. 546*]

346 RESPECTFUL ADDRESSES, presented to the Supreme Magistrate of the Republic by certain deserving Pastors, three of whom are members of the Sacred College, the august Senate of the Apostolic See, as if it were a fault to address the Head of State in order to draw his attention to matters closely connected with the most pressing duties of conscience and the public good. But although this situation deeply grieves Our heart, it does not diminish Our courage; rather, We firmly hope that the Lord, graciously accepting Our supplications and those of so many pious souls, will hasten the hour of His mercies and will open the hearts of those who today are deaf to the voice of the Church. Inspired by these sentiments of trust and comfort, above all, We are certain, will be the religious men and women of France, chosen children of the Catholic Church, whom We follow in their sorrow with the deepest affection of Our paternal heart and with Our most fervent prayers. May this harsh trial of the moment not shake their steadfastness, and may they, on the contrary, dedicate themselves with redoubled fervor to a life of faith and holy works, forgiving those who in any way oppose their Institutes, and always keeping their thoughts and their gaze elevated. Tribulation is the inheritance of the Church, but through the shadows and vicissitudes of this world, faith points out to us the pure horizons of another homeland, where, as a reward for our virtues and the patiently endured hardships, We shall be granted, in the vision of God, peace and sweetness without end. We see well, Cardinals, that Our words have passed from the joy of the feast to a completely different subject, but it seemed fitting to Us that you, as Our most beloved children, should be privy to both Our joys and Our sorrows. And now, wishing you from Heaven, in return for your prayers, the most excellent blessings, We impart to you from Our heart the Apostolic Benediction. (Versio) PIUS PP.

Translated by churchlatin.ai, a product of Boyne Archives

x The votes, which the Sacred College today for the first time offered to Us, We receive with a grateful heart, on this joyful day in which the Church celebrates the feast of Saint Joseph, whose name was given to Us in holy baptism. These votes are a most pleasing testimony to Us.

[*Latin ed. p. 547*]

ALLOCUTION 547 The sentiments of the Sacred College, and indeed, many reasons, greatly increase our joy at this already festive occasion for the entire world. Therefore, while we offer our gratitude to the Sacred College, we raise our spirit and our heart to the most sweet Protector of the universal Church, that, having fulfilled our vows, we may obtain from God light and assistance, as we perform this difficult ministry, and that the Church may receive effective and favorable protection, which it needs in these difficult times. For in these recent years, many trials have been encountered. For if we consider the state of the universal Church, we undoubtedly find reasons for joy, since the episcopate remains so firmly attached to this Apostolic See, and the people are moved from the heart towards the center of unity, and Catholic works flourish more and more among all nations. But when we see the principles of the Catholic Church being opposed with great effort, and a stubborn persistence among the people to spread errors, which are harmful not only to the Catholic Church but also to the well-being of society, and when we see, in some places, institutions and salutary works, which the Church, always concerned for the moral and material well-being of the people, has founded with so much care and effort, being destroyed with great blindness, we are deeply saddened and concerned. And as for you, Venerable Brothers, it is known that a few years ago, sad events occurred in Gallus. Since, by the hidden will of God, we have been elevated to the Chair of the Princes of the Apostles, it has been dear to us, following in the footsteps of our glorious Predecessor, to show paternal love to that illustrious Gallic nation and to offer special obedience to its government. But, it must be confessed, while we are greatly comforted by the frequent demonstrations of piety and affection of that Catholic people, we are deeply distressed by the measures, already taken and those about to be taken, against the religious congregations that have been there, carrying out excellent works of charity and Christian instruction, to the glory not only of the Catholic Church, but also of the nation. And what has already been done, as if it were not a grave and disastrous loss, is being further aggravated, despite our efforts to prevent these things from happening, as we present and defend a law that, with a hateful and unjust peculiarity, not only forbids members of religious congregations to teach anything, although authorized by the same—

[*Latin ed. p. 548*]

548 ADDRESS: It is understood that these matters are being discussed,

Translated by churchlatin.ai, a product of Boyne Archives

and this is because they are religious, but also because the very Institutes themselves, approved for teaching, are being added to the public treasury. From this measure, as is evident, the Christian institutions will be largely destroyed, the principal foundation of all civil society, prepared by the faithful and upheld by laws and generous efforts. Thus, many young people will be raised, against the will of their parents, without faith and Christian instruction, to the great detriment of souls; and again, we shall see, with great sorrow, many religious men and women, although they have deserved the best from their country, deprived of their property and exiled throughout the Gallic region, or wandering throughout the world. We firmly deplore and condemn these injustices, which are utterly contrary to the concept of true freedom, to the principal laws of the region, to the rights of the Catholic Church, and to the very rules of humanity, which forbid the persecution of citizens who, under the protection of the law, have never failed in their duties to other citizens, and who, while engaged in the works of Christian institutions, have always fulfilled their rights and obligations. And with regard to this, it seems to us that sorrow must be expressed, that some well-deserving pastors, three of whom are from the Sacred College, the august Senate of the Apostolic See, have sent abusive letters, obedient to certain instructions, to the Supreme Magistrate of the Republic, as if it were their fault to write to the Supreme Magistrate, in order to gain his favor in matters strictly related to the rights of conscience and the common good. But although we are greatly saddened by these circumstances, our spirit is not diminished; for we trust and firmly hope that the Lord will graciously accept our supplications, and those of so many pious souls, and that the time of his mercy will hasten, opening the ears of those who now, with deaf ears, receive the voice of the Church. To these sentiments of hope and consolation, we are certain that the religious men and women of the Gallic nation, chosen sons of the Catholic Church, to whom we are bound by the deepest affection of our heart, will cling, and we offer our fervent prayers for them. May this harsh fate of ours not break their spirit, but rather may they, with increased zeal, dedicate themselves to the works of faith and holiness, sparing no effort, and may they always direct their hearts and minds to the heavens. Tribulation is the inheritance of the Church, but faith shows us, beyond the shadows and human events, the heavenly homeland, where

[*Latin ed. p. 549*]

BY A PAPAL ACT 549, having patiently borne the rewards of virtues and the pains, we shall have the joy of beholding God, peace, and eternal sweetness. We know, Venerable Brothers, that Our words have passed from the joy of this feast to a matter entirely contrary, but We have deemed it fitting to make you, Our most beloved sons, sharers in Our joys and sorrows. Now, therefore, for your prayers, foretelling happy and auspicious things, We

Translated by churchlatin.ai, a product of Boyne Archives

impart from the bottom of Our heart the Apostolic blessing. March 18, 1904. PIUS PP. X BY A PAPAL ACT Concerning the unification of Church laws. PIUS PP. X It is certainly a difficult task to govern the entire Church, and from the very beginning, by the secret counsel of Divine Providence, We have considered it Our primary concern, and as a sort of established law, to restore all things in Christ, as far as Our strength would allow. We made this intention clear in Our first Encyclical Letters addressed to the prelates of the entire Catholic world; to this goal We have directed all Our efforts thus far; and We have striven to conform Our endeavors to this principle. Understanding well that the restoration of ecclesiastical discipline in Christ is most conducive to the proper ordering and flourishing of the Church, so that abundant fruits may not be lacking, We have turned Our studies and Our concern to it with singular diligence. Indeed, the Apostolic See, whether in the Ecumenical Councils or outside of them, has never ceased to instruct ecclesiastical discipline with the best laws, adapted to the various conditions of times and the needs of men. But laws, however wise, if they remain scattered, are easily forgotten by those who are bound by them, and therefore, as is fitting, cannot be put into practice. To avoid this inconvenience, and so that the well-being of ecclesiastical discipline might be better served, various collections of sacred canons have been compiled. Among those who came before, it is fitting to mention here Gratian, who, in his celebrated Decretum, sought not only to collect the sacred canons into one place, but also to reconcile and harmonize them with each other. After him, Innocent III, Honorius III, Gregory IX, Boniface VIII, Clement V with John XXII, De-

[*Latin ed. p. 550*]

550 By a MOTU PROPRIO, Our Predecessors, imitating the work of Justinian according to Roman law, compiled and promulgated authentic collections of Decretals, with which, in the last three centuries, the body which is called Canon Law, especially that of Gratian, has largely coalesced. Since the Council of Trent and the promulgation of new laws have made the matter more complex, the Roman Pontiffs Gregory XIII, Sixtus V, Clement VIII, and Benedict XIV, devoted themselves either to preparing new editions of this body of Canon Law, or to compiling other collections of sacred canons; to which, most recently, authentic collections of decrees have been added, pertaining to certain sacred Congregations of Rome. However, even with these efforts, the matter does not appear entirely resolved. For the very collection of these works presents a considerable difficulty; over the course of the centuries, numerous laws have been promulgated, filling many volumes; many of these, once suitable for their own times, have either been abrogated or have become obsolete; finally, some, due to changed circumstances, have become either difficult to implement, or less useful for the common good. To remedy these inconveniences, particularly for those

Translated by churchlatin.ai, a product of Boyne Archives

parts of the law which were of more urgent necessity, Our Predecessors, especially Pius IX and Leo XIII, took steps; the former, by the Apostolic Constitution *Apostolicae Sedis* (1), restricted the use of *latae sententiae* censures, the latter, by the Constitution *Officiorum et munerum* (2), regulated the publication and censorship of books; and he established norms for religious congregations with simple vows by the Constitution *Conditae a Christo* (3). However, illustrious Prelates of the Church, and many Cardinals of the Holy Roman Church, have strongly urged that all the laws of the entire Church, published up to this time, be arranged in a clear order and collected into one place, with those that have been abrogated or have become obsolete removed, and others, where necessary, adapted to the conditions of our own time; which the same number of Bishops requested at the Vatican Council. Approving and readily embracing these just desires, We have decided to take steps to bring about this very thing. We are not unaware of the vastness of this undertaking, and of the difficulties involved.

(1) Cfr. Acta S. Sedis, vol. V, 287.

(2) Cfr. » » vol. XXIX , 388.

(3) Cfr. •» v vol. XXXIII , 241.

[*Latin ed. p. 551*]

BY OUR OWN INITIATIVE 551, therefore, by our own initiative, with certain knowledge and mature deliberation, we decree and command the following to be carried out. I. We establish a Council, or, as they say, a Pontifical Commission, which will be responsible for the management and care of the entire undertaking, and which will consist of several Cardinals of the Holy Roman Church, specifically designated by the Pope (1). II. The Pope himself presides over this Council, and in the absence of the Pope, the Cardinal Dean among those present. III. Furthermore, there will be a just number of Consultants, chosen by the Cardinal Fathers from men most skilled in Canon Law and Theology, with the approval of the Pope. IV. We desire that the entire episcopate, according to norms to be suitably provided, cooperate and contribute to this most important work. V. Once the method to be followed in such a study has been established, the Consultants will prepare the material and present their opinion on it in meetings, presided over by that person to whom the Pope has entrusted the task of presiding over the meetings of the Council of Cardinals. Then, the Cardinals will carefully examine their studies and opinions. Finally, everything will be presented to the Pope, duly approved. What we have decreed through these letters, we wish to be ratified and firm, contrary things, even those deserving of special or most special mention, not withstanding. Given at Rome, near St. Peter, on the tenth day before the Kalends of April, on the feast of St. Joseph, Spouse of the B.V.M., in the year 1904, in the first year of Our Pontificate. PIUS PP. X (1) Indeed, Our Holiness has

Translated by churchlatin.ai, a product of Boyne Archives

deigned to choose the following Most Reverend and Most Illustrious Cardinals as members of this Pontifical Commission: Seraphinus Vannutelli, Anthony Agliardi, Vincent Vannutelli, Francis Satolli, Marian Rampolla del Tindaro, Jerome M. Gotti, Dominic Ferrata, Francis de Paula Cassetta, Francis Desideratus Mathieu, Casimir e n Gennari, Benjamin Cavicchioni, Raphael Merry del Val, Andrea Steinhuber, Francis Segna, Joseph Calasanctius Vives y Tuto, and Felix Cavagnis. Furthermore, the same Holiness has entrusted to the Most Reverend Peter Gasparri, Archbishop of Caesarea, the office of Secretary of the aforementioned Pontifical Commission, as well as the Presidency of the Consultants' Assembly. In due time, we will publish in the Acta Sanctae Sedis the authentic and official acts of this Pontifical Commission, as is our custom and duty, and, with God's help, we will illuminate them with necessary and appropriate notes and comments.

[*Latin ed. p. 552*]

552 FROM THE SECRETARY'S OFFICE: Indulgences are granted to those who recite the Little Office of the Most Holy Heart of Jesus. POPE PIUS X, for the perpetual memory of this matter. The Most Reverend Brother Joseph, Bishop of Angers, informed Us that many of the faithful in those regions are accustomed to devoutly reciting the Little Office of the Most Holy Heart of Jesus, which has been recognized and approved by the Congregation of Sacred Rites, every day, and that this practice excites steadfast faith in prayer, and especially fosters and promotes the ardor of sincere charity. To the end that this most praiseworthy devotion to the Most Holy Heart of Jesus may be further promoted, the aforementioned Bishop made supplications to Us, that We might deign to grant certain other indulgences to the faithful who recite this same Little Office. And We, considering that this would greatly contribute to the spiritual good of the Christian flock, have judged it fitting to grant these pious requests, as far as is possible in the Lord. Therefore, with confidence in the mercy of Almighty God, and by the authority of the Apostles, SS. Peter and Paul, in addition to the partial indulgence of two hundred days granted to them by similar Apostolic Letters dated December 12th of the year 1901 (1), We hereby grant, to all and each of the faithful of both sexes, who, having recited the aforementioned Little Office, either in Latin or in the vernacular, provided that the translation is faithful and duly approved, with a devout and contrite heart, on any day of the year, and having prayed according to the mind of the Roman Pontiff, and who, for one solid month, have recited the entire Office each day, and who are truly penitent and have confessed their sins and received Holy Communion, and, at their own option, visit any public church within that month, and there offer devout prayers to God for the concord of Christian princes, for the extirpation of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, a plenary indulgence for all their sins. (1) Cf. Acta S. Sedis, vol.

Translated by churchlatin.ai, a product of Boyne Archives

XXXV, page 38.

[*Latin ed. p. 553*]

From the Brief of the Secretariate, number 553, and with the understanding that these indulgences may also be applied, as a form of suffrage, for the benefit of the souls of Christian faithful who, united to God in charity, have departed from this life, We mercifully grant and bestow these indulgences, notwithstanding any contrary provisions. We decree that these present documents are to be considered valid, provided that a copy thereof is transmitted to the Congregation entrusted with Sacred Relics and Indulgences; and that, with regard to copies or transcriptions of these present documents, even if printed, signed by a public notary and sealed with the seal of a person holding ecclesiastical office, the same full faith is to be given to them as would be given to the original documents if they were presented or shown. Given at Rome, near St. Peter, under the Fisherman's Ring, on the first day of March, 1904, in the first year of Our Pontificate. L. & S. For the Most Reverend Cardinal MACHI, NICOLAUS MARINI, Substitute. A copy of these documents has been transmitted to this Sacred Congregation entrusted with Indulgences and Sacred Relics. In witness whereof, etc. Given at Rome, from the Secretariate of the same Sacred Congregation, on the eighth day of March, 1904. IOSEPHUS M. Can. COSELLI, Substitute.

[*Latin ed. p. 554*]

554. ACTS OF THE ROMAN CONGREGATIONS FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS OF THE TERRACINA LOCATION. – REPORT OF THE CASE. Date of the event: June 26, 1903. The Bishop of Terracina recovered, through legal proceedings, a garden belonging to the episcopal residence, which was not subject to fiscal law, that the Mangoni family had appropriated for themselves, and which they had improved by repairing the walls and planting trees at their own expense. While the Bishop, Ambrose, was elected Bishop of Troia, he served as Apostolic Administrator of the diocese of Terracina, and during this time, he leased the aforementioned garden to Salvator Mangoni, under the following conditions: a) that he would pay 300 *lire* for the expenses incurred there; b) that Mangoni would return the garden in a better condition after the lease was concluded; c) that the lease would last for three years. However, Bishop Ambrose, the successor to the aforementioned Bishop in the same See of Terracina, considered this contract invalid, and after first formally expressing this in writing according to the norms of law, on April 5, 1902, he notified Mangoni that, as previously stipulated, he should leave the garden free after the expiration of the three-year period. Then, the aforementioned Mangoni reclaimed 300 *lire* from Bishop Ambrose, which he had previously paid to Bishop Bergamaschi, as well as the expenses he had incurred for the improvement of the garden over the three-year period.

Translated by churchlatin.ai, a product of Boyne Archives

However, the Bishop...

[*Latin ed. p. 555*]

TERRACINA. 555 Ambrose, then Bishop of Bergamo, declared that he would fulfill the agreement, whereas the other party maintained that he did not consider the contract valid; therefore, Mangoni, in order to defend his rights, appealed to this Holy Office. The reasons of the Bishop of Bergamo. Firstly, the Bishop of Bergamo stated that Mangoni could not take any action against him, since he, the Bishop, had entered into the contract not as a private person, but as a Bishop and Apostolic Administrator of that diocese. Therefore, he asserted that the rights of the episcopal See should be defended in this case by its successor, namely Bishop Ambrose, adding that the lease contract had been entered into according to canonical laws. He recalled that it is known that a Bishop, like any beneficiary, can lease out lands belonging to his benefice for a period of three years, and that his successor is not only not obliged to disapprove of what the predecessor leased out by contract, but must also bear the burden if the predecessor, as a diligent administrator of his benefice, to whom the care is entrusted not to let the lands deteriorate, has perhaps left something undone. Furthermore, the same Bishop enumerated several expenses which he himself had incurred, firstly to increase the revenues of the episcopal See, secondly to repair and decorate the episcopal house, and also the walls of the garden, for which he added, "besides not having received anything from the garden, I also bear all the legal expenses." And so that a certain vineyard, recently planted, might not suffer damage, especially in the absence of the episcopal See, it was necessary, he said, to entrust its care to someone; therefore, whatever the caretaker spent for three years in guarding and improving the same garden, by law should constitute a burden for the successor who now enjoys it. Therefore, since the same contract has been properly executed for the benefit of the episcopal See, and has been entered into according to the laws, it follows, he said, that whatever has been derived from it has passed by right to the successor, and therefore the burden rests with him.

[*Latin ed. p. 556*]

356 FROM THE MOST HOLY FATHER, THE BISHOP, AND THE RULES, concerning the rights of the episcopal estate against the aforementioned Mangoni. Furthermore, the same Bishop adds that the sum of 300 *summa* was paid by Mangoni according to the contract, with the understanding that he would thereby be obligated in some way to maintain the improvement of the aforementioned garden. However, he notes that Mangoni has not paid anything of this aforementioned sum, and that he has only delivered a bond of 250 *obligatorium* to the Canon Piacenti, to whom the contract had been entrusted. He reports that the aforementioned sum, offered to Bishop Ambrose by the parish priest

Translated by churchlatin.ai, a product of Boyne Archives

of Saint John, was refused by the latter. Moreover, he adds that Bishop Ambrose cannot justly be compelled by force of contract, initiated by his predecessor, to pay a considerable sum of money demanded by Mangoni, since this is not due, although there is indeed an improvement of land exceeding the boundaries, as stipulated in the same contract; but because Mangoni has recklessly and without any justification overturned previous agreements and imposed others at his own discretion, for which he now demands a larger sum of money. Therefore, he concludes that, since the aforementioned vine, which he had cultivated with vines and trees, can no longer yield abundant fruit, Mangoni must be held responsible for repairing such damages. And since these damages did not arise by force of the contract initially entered into, but entirely by Mangoni's own will, he says that Bishop Ambrose should rather bring an action against him, both for the damages caused by him, and for denying him what he unjustly claims is due to him.

The Objections of Bishop Ambrose. Bishop Ambrose, who now holds the episcopal seat of Terracina, endeavors to demonstrate that he is not unjustly bound by the contract initiated by his predecessor, and that Mangoni should direct his action against Bishop Bergamaschi. He observes that the aforementioned garden was left to the episcopal estate not to be cultivated, but so that the Bishop might walk there, as was the case with others.

[*Latin ed. p. 557*]

TERRACINEN. He possessed 557 goods belonging to the episcopal treasury. He adds that this was done by all the bishops, who, according to him, either did not rent them out, or rented them out in such a way that no one could derive any benefit from them. Indeed, he recounts that the Bishop of Bergamo entered into the same contract even after he had been elected Bishop of Troia, and that he publicly announced it on the official records after having obtained, as they say, the "Exequatur" for the same See in Riez. Furthermore, he discovered that, in addition to the possession given to him by the sub-economus, there was a clause that obligated the Bishop to repair the walls of the same garden, while the contract for the goods prohibited any compensation in favor of the tenants for improvements made to the property in the previous year; therefore, in order to ensure that what his predecessor had done was valid, he took care to issue a formal notification, requesting that he be allowed to freely use the garden. These matters are noted in article 3: "To abstain from taking or agreeing to any advance payment in the rents, and from introducing any reservation of compensation for improvements made to the property in the previous year." He also notes that, although the Bishop of Bergamo had previously intended to leave the aforementioned sum of 300 livres to Mangoni as compensation for the improvement of the garden, he later changed his mind and handed the same lease to another person, to whom Mangoni was forced to pay. In

Translated by churchlatin.ai, a product of Boyne Archives

addition to this, the Bishop denies that his predecessor, the Bishop of Bergamo, had paid money to recover the same garden; whereas it is known that the Reverend Angel Mangoni, a relative of the aforementioned Salvator, celebrated 50 Masses for this reason, according to the Bishop of Bergamo's wishes; furthermore, Salvator paid 50 livres for the same garden, and 50 for the cellar of the episcopal treasury which was rented to him. He adds that he did not want to accept the 250 livres for the lease, since he had never had a contract; he also believed that the Bishop of Bergamo was obligated to return the same treasury freely, by settling directly with Mangoni. It does not appear that these matters are settled.

[*Latin ed. p. 558*]

558 FROM the documents of the Most Reverend Bishop and Regular Canon, which are presented by the Bishop of Bergamaschi and Mangoni, where the former asserts that improvements were made by him; while the latter affirms that the garden, when it was delivered to him, was entirely uncultivated and lacking in any fruit; therefore, in addition to the sum already paid by him for the garden, he requests 400 livres as compensation for the improvements made there. However, that this same lease agreement is not valid at all, he says he can prove from a letter written to him by the Reverend Sub-economus, in which this [Sub-economus] notes that, when the Bishop of Bergamaschi obtained possession of Riez on October 19, 1899, by virtue of which the same episcopal See was assigned the lease, but the agreement was recorded in the records on the 30th of the same month; therefore, he certainly could not have interfered with matters pertaining to this estate. Furthermore, the same Bishop Ambrosi denies that so much fruit could be obtained from that same garden, so as to in some way repay the improvements made by Mangoni. Moreover, he states that he has learned from Mangoni's own son that the garden yielded only 19 livres in fruit; he also observes that, even before the aforementioned improvements were made, 60 livres had already been received from the same lease of the garden; and that this sum was granted not for the fruits received, but for the consolation of the Bishop himself; and therefore, the Bishop cannot enter into the terms of the lease for the time being, by virtue of which his successor would be prevented from using it. He also mentions that Mangoni did not pay anything for the said lease in the years 1902 and 1903. Therefore, since it was forbidden to impose burdens on the episcopal estate, it is clear that the effects of the lease pertain to the Bishop of Bergamaschi, and that Mangoni is acting in such a way as to ensure that the same garden is delivered to him free from any damage whatsoever, so that he may, from then on, preserve it and transmit it to his successors.

[*Latin ed. p. 559*]

TERRACINE. 559. The reasons presented by Dho Mangoni. This indi-

Translated by churchlatin.ai, a product of Boyne Archives

vidual brought a case against the Bishop of Bergamo, alleging that a contract was entered into with Bishop Ambrose, which is described in public records, and that both bishops are obligated to fulfill it. He further states that Bishop Ambrose received two years' rent from him for the property, and that he notified him that after three years, he should relinquish the garden; at the same time, he indicated that he intended to settle all accounts, but later refused to do so. Consequently, he demands that 1. 300, which he himself paid to the Bishop of Bergamo, be returned to him, as well as the amounts spent for the improvement of the same garden, which, according to Bishop Ambrose, amount to 400. Having presented these points, he raises the question: Whether and from whom the sum of 300 livres, paid by Dho Mangoni at the time of the lease of the garden for improvements made by the Bishop of Bergamo, is due; and also, whether a certain other sum is due for improvements made there by the same Mangoni. The Sacred Congregation of Bishops and Regulars, having been called to examine the matter, decided on June 26, 1903, to respond as follows: The sum of 300 livres is due from the Bishop of Bergamo; and the compensation, to be assessed by an expert, for other improvements, is due in half from the Bishop of Bergamo, and in the other half from Bishop Ambrose.

SUMMARY OF CAUSES.

On December 11, 1903, the Sacred Congregation of Bishops and Regulars was held in the Apostolic Palace at the Vatican, in which, among other things, the following causes were proposed, according to the custom of the same Sacred Congregation, to be discussed; and which were resolved as follows:

[*Latin ed. p. 560*]

SUMMARY OF CAUSES 560

I. TAURINENSI. – JURISDICTION.

D. 1.° Whether the sentence of the Archdiocesan Court of Turin is to be confirmed or annulled in this case. And to the extent that it is affirmative concerning the second point;

2.° Whether the priest Bonetto has a right of action against the Reverend Prior Cappello in this case.

R. To annul the sentence. Concerning 2, considering what is stated in 1.°

II. PARISIENSI. – EXEMPTION.

D. 1.° Whether the decision of the Holy Congregation of Bishops and

Translated by churchlatin.ai, a product of Boyne Archives

Regular Canons of September 23, 1881, is to be confirmed or annulled in this case. And to the extent that it is negative concerning the first point, and affirmative concerning the second point:

2.° Whether the dependence of the Missionaries extends to the jurisdiction of the Ordinaries also in other matters concerning internal affairs.

R. Concerning 1 and 2, it is understood that the members of the Congregation of the Missions can validly confess before any confessor approved by the local Ordinary, provided that they take the precaution to mention this to the Most Holy.

III. PIENTINA, OR CLUSINA – RIGHTS.

D. Whether and how the sentence of February 6, 1903, is to be confirmed or annulled in this case.

R. In the decisions, it is determined that the priest Ignatius Cossi belongs to the Diocese of Albanensem.

IV. FLORENTINA – EXPULSION.

D. 1.° Whether the priest John Ricciardi is incardinated in the Archdiocese of Florentina in this case. And to the extent that it is negative:

2.° Whether the decision of the Ordinary of Florentina regarding the removal of the priest John Ricciardi is to be upheld in this case.

R. Concerning 1, negatively. Concerning 2, affirmatively, and it is understood.

[*Latin ed. p. 561*]

561 FROM THE HOLY CONGREGATION OF THE COUNCIL, A DECREE TO THE BISHOPS OF ITALY CONCERNING THE APOSTOLIC VISITATIONS. It is known to all that the supreme authority of the Roman Pontiff has the right and the duty of knowing the state of all churches, and of demanding from each Bishop that he render an account of his ministry to Him. Indeed, this is what the words of Christ mean: "Feed my sheep, feed my lambs." This is what the reason of the unity of the Church demands, and what history teaches has been practiced from the beginning and without interruption. Moreover, experience has shown that the more closely and intimately this bond between the Roman Pontiff and the Bishops has been maintained, the more beneficial it has been for the religion. For from this union, the strength of the Ordinaries has increased, their authority has become greater, the Church has been more readily and effectively prepared against vices and errors, and better provision has been made for the salvation of souls. There are two ways in which the Roman Pontiffs have customarily sought to be informed about the state of the churches. Either they have ordered the pastors themselves to faithfully and fully report to

Translated by churchlatin.ai, a product of Boyne Archives

the Apostolic See about their respective dioceses; or they have sent legates, with various names according to the times, places, or nature of the missions, designated for this purpose. Thus, it has been customary to send Apostolic Nuncios, or Delegates, to temporal rulers, not for any other reason than to deal with matters pertaining to the Christian commonwealth. Also, legates have frequently been sent to particular churches or to the faithful of a certain region or kingdom, to directly attend to the religious affairs of that place, either in a regular and established manner, as if they were born legates, or in an extraordinary and temporary manner, as Apostolic Visitators. A particular concern of the Supreme Pontiffs has been to ensure that Italy, by its very condition, is more closely bound to the Apostolic See, and that it communicates more frequently with it. Therefore, Pope Sixtus V, in the Constitution *Romanus Pontifex*, decreed that the Bishops of Italy should visit the Holy See more frequently than others, that is, every three years.

[*Latin ed. p. 562*]

562 FROM the decrees of the Council and concerning the state of their dioceses; and likewise, for this reason, Apostolic Visitators were often sent to various dioceses or regions of Italy, especially after the Holy Council of Trent, although they were then Apostolic Nuncios to the princes and republics of which Italy was formerly composed, who were to watch over the affairs of religion. But now, with the changed civil conditions of Italy, this salutary institution has also ceased to exist. This has resulted in one of the most important reasons by which the Roman Pontiff can learn what good and merit exists in a certain place, or what might deserve reprehension, so that he may be able to provide appropriate remedies, having failed. And since prolonged experience has shown that this has happened to the detriment of the Church, therefore, Our Holy Father Leo XIII entrusted this matter to the Congregation of the Council, so that it might consider whether there might be some way to remedy this deficiency in accordance with the conditions of the times. After careful consideration of all matters, it was decided that the best course of action would be to institute a certain Apostolic Visitation through men of the sacred order, distinguished by dignity, learning, and prudence, who would, at certain times, inspect various regions of Italy; they would hear from the Bishops about the clergy, the seminaries, the people, and the condition of the divine worship; where necessary, they would observe with their own eyes, and, under the seal of silence, report to the Apostolic See. The plan, approved by Leo XIII, was interrupted by his death, but when Pius X was scarcely raised to the chair of Peter, it greatly pleased him. Indeed, he considered it necessary to carry it out as soon as possible. Therefore, acting according to the commands of Our Holy Father, the Congregation of the Council, with the present letter, orders that each Ordinary in Italy receive the Apostolic Visitators,

Translated by churchlatin.ai, a product of Boyne Archives

whom the Holy See will send to them at fixed times, and that they report to them about the state of their dioceses, according to the law stated in the attached sheet. Many good things can be hoped for from this Visitation. For it is instituted, in the first place, under the protection of the episcopal authority, by which the prelates can be assisted, either in maintaining the clergy and their flock in their duties, or in expediting matters about which the Apostolic See must be consulted. Furthermore, through this means, many things that are often desired in vain can be brought to the attention of the faithful, either to better carry out the pastoral ministry or to make it more useful.

[*Latin ed. p. 563*]

FROM THE MOST HOLY COUNCIL, 563, for greater convenience, or to address difficulties that sometimes arise in the governance of souls. Finally, by acting in closer union with the Roman Pontiff, the dignity of the Ordinaries will be increased, and the episcopal ministry will be more easily carried out. These provisions shall be valid, notwithstanding any contrary provisions, whether by privilege, custom, or special statutes or constitutions. Given in Rome on March 7, 1904. f VINCENTIUS CARD. EPISC. PRAENESTINUS, Prefect. C. DE L A I, Secretary. Rules for the Apostolic Visitation. (1)

1. The Apostolic Visitor, before departing for his mission, shall take an oath before the Most Reverend Prefect, or the Monsignor Secretary of the Holy Congregation of the Council, to faithfully fulfill his office, and to maintain secrecy regarding all matters pertaining to the apostolic visitation; this secrecy must be inviolably observed, in order that the full freedom of the Visitor and those being visited may be protected.

2. Solemn receptions with the ringing of bells and other external displays are strictly forbidden, both upon the Visitor's initial arrival and during subsequent visits. His arrival shall be strictly private. He will first go to the Ordinary to pay due respect, and to present the letters that accredit his mission.

3. It shall be the responsibility of the Ordinary himself to provide the Visitor with suitable lodging. In any case, the Visitor's meals shall be simple, and without the presence of outsiders.

4. He shall decline any invitation to lunches or receptions in his honor, and any gift or present that may be offered to him under any pretext, or in any way whatsoever; citing the oath he has taken to fulfill his duty, and it is expressly understood that the Visitor is bound to observe the provisions of this article.

5. The Visitor shall not exercise any acts of jurisdiction whatsoever, except as is necessary for the completion of...

Translated by churchlatin.ai, a product of Boyne Archives

(1) The Latin version of this document will be provided in the next issue.

[*Latin ed. p. 564*]

564. Ex mandato Sacri Concilii, id est, praeter officium examinandi res et personas, et praeter obligationem exigendi ab examinatis iuramentum de veritate dicenda et de secreto servando, sed etiam in hoc, cavendum est ab omni ostentatione auctoritatis; et potius, per pietatem, modestiam et reservatum, aedificationem cleri et fidelium, quos visitabit, studebit. 6°. Incipiet perquisitionem, cognoscendo ab Ordinario omnia quae ad statum generalem dioecesis, cleri, fidelium, Seminarii, institutorum religiosorum, tam masculorum quam feminarum, operum pietatis et associationum catholicarum, tam in rebus materialibus quam moralibus, pertinent. Postea, Ordinarius litteras dabit Visitatori, ut ministerium eius a clero et fidelibus dioecesis agnoscatur. 7°. Visitatio erit localis, realis et personalis. Et in visita personali, plus quam in aliis, servabitur secretum inviolabile, tam a Visitatore quam a visitatis, qui iuramento habebunt observandum cum omnibus. 8°. Primò Curiam et Archiva visitabit, separatim auscultans Vicarium Generalem et alios officiales: observans si sit status regularis cleri, parochiarum, qualis sit tributum pro negotiis, etc., — si administratio ecclesiastica sit regularis secundum normas Sanctae Sedis, — si Archiva bene ordinentur et custodiantur, secundum regulas canonicas. 9°. Peculiariter attentionem et curam adhibebit in visita Seminarii, tam in rebus materialibus quam in studiis, tam in pietate discipulorum. Ad hoc finem, non se limitabit interrogandi Rectorem, Economum, Deputatos; sed etiam scholas visitabit, et personaliter, in privata audientia, discipulos, eos benignitate paterna interrogans de sententiis, studiis, propositis. 10°. Etiam Cathedralem visitabit, tam in rebus materialibus quam in cultu divino, id est, in choro, in cura animarum, si adest, in modo celebrationis sacrorum, in cantu, in paramentis et sacris utensilibus. 11°. Deinde etiam alias parochias urbis visitabit, tam in parte materiali quam formali, ut videat si et quomodo populus instruatur, quomodo catechismus doceatur, quomodo pietas foveatur, quomodo libri parochi serventur, etc., reliqua vero visitationibus posterioribus reservans.

[*Latin ed. p. 565*]

FROM THE DECREE OF THE HOLY CONCILIARY COUNCIL, 565, 12th: He shall also visit the parishes of the diocese in the same manner, not only the most distinguished, but also those that are more humble and poor, in order to form as accurate a conception as possible of the state of the clergy and the faithful.

13th: If there is any notable sanctuary, he will not fail to visit it, and to ascertain how it is maintained, what offerings, whether for Masses or for other purposes, are made there, and how they are administered.

14th: He shall also visit religious houses, both of men and of women, that is, those which do not ordinarily receive the visit of their respective

Translated by churchlatin.ai, a product of Boyne Archives

monastic superiors. And he shall examine how the rules are observed, and what fruits these houses produce through their works.

15th: In all of this, he shall endeavor to learn about the religious state of the people, whether there is religious indifference, whether there is frequent reception of the sacraments, or whether external pomp of worship is preferred to the cultivation of the spirit and the observance of the laws of the Church; whether there are prevalent vices or vicious habits, especially in relation to blasphemy, bad conduct, and intemperance; whether irreligious publications are widespread. Whether there is good literature to counteract it, and with what effect. Whether there are confraternities or pious associations, and what fruits they produce in maintaining the people in the faith and piety.

16th: He shall make a brief and accurate report of all of this daily, taking account not only of evil, but also of good that he observes, in order to fully inform the Holy See. However, with regard to matters of a secret or delicate nature, he shall take note of them in such a way that, even if the writing were to be lost, it could not be understood and cause harm. But above all, from the very beginning of his mission, and each day thereafter, the Visitor must fervently commend himself to the Lord and to the guardian angels of the diocese he is visiting, in order to have light and assistance in the delicate ministry to which he is called, and that this may be accomplished to the glory of God and to the salvation of souls, according to the purpose for which it was instituted.

Rome, March 7, 1904.

VINCENZO CARD. VESC. DI PALESTRINA, Prefect.

G. DELAI, Secretary.

[*Latin ed. p. 566*]

566 SUMMARY OF CAUSES. February 27, 1904. The Sacred Congregation was held in the Apostolic Palace at the Vatican, in which, among other things, the following causes were proposed, according to the custom of the same Sacred Congregation, to be discussed; and which were resolved as follows: BY SUMMARY REQUESTS. I. NULLIUS. - SUBLACEN. - REQUESTS CONCERNING THE USE OF THE ABBOTIAL THRONE. R. According to the opinion. II. CAIACEN. - INDULGENCES. R. For the granted favor, according to the request, without distributions among the present, burdened by the Bishop's conscience regarding the necessity of absence, during his office. III. TRIDENTINA. - CHANGE OF WILL. R. Negatively. ON PAGE I. ENGOLISMEN. - DISPENSATION FROM MARRIAGE. (Under seal). R. Affirmative. II. ROTHOMAGEN. - DISPENSATION FROM MARRIAGE. (Under seal). R. Considering the death of the husband, not proposed. III. VRHBOSNEN. - DISPENSATION FROM MARRIAGE. R. Affirmative. IV. VARSAVIEN. - DISPENSATION FROM MARRIAGE. (Under seal). R. Af-

Translated by churchlatin.ai, a product of Boyne Archives

firmative, with caution. Regarding 2, at the discretion and conscience of the Archbishop, concerning the suitability of the man for marriage. V. AVERSANA. - REDUCTION OF PENSION. R. Regarding 1, negatively in all respects. Regarding 2, considering all, for the granted favor of a reduction of 1600, and according to the opinion. Regarding 3, in the case in question, from the Seminary.

[*Latin ed. p. 567*]

FROM THE SACRED RITUAL, 567 VI. CONCERNING FUNERAL EXPENSES. DECREE. The expenses are to be divided equally between the Chapter and the Curate, so that, according to the law, the bodies of the poor may be decently carried to the parish church, as prescribed by the Roman Ritual, and with the obligation for the Curate to accompany the said bodies to the cemetery, either personally or through another. VII. CONCERNING THE PARISH OF SYRACUSE. DECREE. At the request of the parish priest of Arezzo, it was read. FROM 3. CONGREGATION OF RITUALS OF SAINT MARK AND BISINIANE. A feast of precept, falling on a Thursday or Saturday, is transferred concerning the Office and the Mass, but not concerning the day of obligation. REVEREND FATHER FRANCIS MARIA GRECO, Doctor of Sacred Theology, Archpriest and Curate of Acri, Editor of the Calendar for the dioceses of Saint Mark and Bisiniane, humbly presented the following question to the Congregation of Sacred Rites, for which he requests a suitable solution: Saint Francis of Paula is the Principal Patron of the City and Diocese of Bisiniane, whose feast, observed with a double rite of the First Class, with an Octave and a day of obligation for hearing Mass and abstaining from servile work, is celebrated on the 2nd of April; but in the coming year, 1904, it will fall on a Saturday of the Greater Week. The question is: Whether the aforementioned feast, and any other feast of precept, whether general or of a particular patron of a region, diocese, city, or town, falling on a Thursday or Saturday, should be transferred concerning the Office and both days of obligation to the first subsequent free day, according to the Rubrics and Decrees? And the Sacred Congregation of Rites, after hearing the report of the undersigned Secretary, and after a careful vote of the Liturgical Commission, decided that the following should be answered:

[*Latin ed. p. 568*]

568 From the Sacred Congregation of Rites: Affirmative concerning the Office, negative concerning both precepts, according to Decrees No. 2164 of Monopoli, March 20, 1706, and No. 2305 of Barcelona, December 10, 1733 (1). And thus it was decreed, on September 2, 1903. M. CARD. MOCENNI L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. UTINE. Concerning the Passion of the Lord: Whether the Tantum Ergo and the Litany of Loretto may be sung in the vernacular language; and whether

Translated by churchlatin.ai, a product of Boyne Archives

the same language may be used in the administration of Baptism and Holy Communion outside of Mass, as well as in the prayers prescribed after Mass. The Most Reverend Peter Zamburlini, Archbishop of Udine, reverently presented the following to the Congregation of Sacred Rites for a suitable declaration: (I) Concerning two specific Decrees: Monopoli – Since the feast of Saint Francis of Paula, the principal patron, is celebrated by order in the city of Monopoli; and since this year it falls on a Friday, a request was made to the Sacred Congregation of Rites by the Capitular Vicar of the same city to declare: Whether, when the feast is transferred, the precept of attending Mass should also be transferred? – And the Sacred Congregation of Rites responded: "No; and on a Friday, the precept of attending Mass is not binding." Barcelona – The Clergy of the Cathedral of Barcelona humbly requested a declaration concerning the following doubt: Whether, when the feast of Saint George, the patron of Catalonia, occurs on a Friday of the greater week or on Holy Saturday, so that it is transferred to another day not prohibited, whether the obligation of attending Mass also applies on the same day as the transferred Office of Saint George? – And the Sacred Congregation of Rites responded: "For the transfer of the Office and Mass, but without the obligation of the precept of attending Mass and refraining from work." Therefore, the Office and Mass of any feast of precept, occurring on a Friday of the greater week or on Holy Saturday, must be transferred to the first free day following, according to the rubrics and decrees. However, the feria (holiday) or the obligation of attending Mass and refraining from servile work cannot be transferred, but remains attached to those days on which the feast of precept occurs. Therefore, the faithful are obligated to attend Mass and abstain from servile work on Holy Saturday; but on a Friday, since the Mass is properly not celebrated, the faithful, although they must abstain from work, are not obligated to attend Mass Praesanctificalorum (Mass of the Blessed Sacrament). This general rule is an exception for the feast of the Annunciation of the Blessed Virgin Mary, which, if it occurs on a Friday or on Holy Saturday, according to a special rubric and according to the decrees of the Sacred Congregation of Rites, will be transferred to the second day after Easter Sunday, as its proper day, together with its feria, or with the precept of attending Mass and refraining from servile work, but without the Octave.

[*Latin ed. p. 569*]

From the Sacred Canons of the Ritual, 569: In the extreme eastern part of the Archdiocese of Udine, there are parishes which are entirely or partially composed of inhabitants who speak a Slavic language. In two of these, an age-old custom prevails of singing the Passion of the Lord in the vernacular Slavic language on Fridays, while the celebrant recites it in Latin. Furthermore, in these and other aforementioned parishes, for about twenty years, and through the efforts of priests adhering to the Panslavic move-

Translated by churchlatin.ai, a product of Boyne Archives

ment, the vernacular Slavic language has been gradually introduced into certain liturgical functions. Therefore, the Most Reverend Archbishop, in order that these functions may be properly performed, has inquired: I. Is it permissible to sing the Passion of the Lord in the vernacular language on Fridays in the aforementioned two parishes, given the age-old custom? II. Is it permissible to sing in the vernacular language the hymn *Tantum ergo* to the Holy Trinity and the *Litaniae Lauretanae* before the Blessed Sacrament is exposed? III. Can the vernacular language be used in the administration of Holy Communion outside of Mass? IV. And in the administration of Baptism? V. And finally, in the prayers prescribed by the Supreme Pontiffs at the conclusion of Mass? The Sacred Congregation of Rites, after considering the report of the undersigned Secretary, the carefully considered opinion of another of its Consultors, and the opinion of the Liturgical Commission, decided to respond as follows: To I: No, and with good reason. The response of "no" applies to both the recited and the sung Mass, and the Most Reverend Archbishop of Udine should, with due prudence, remove this abuse where it has taken root, and prevent its introduction elsewhere. To II: No, and the Decrees Nos. 3496 of the Apostolic Prefecture of Madagascar, June 21, 1879, to I; No. 3530 of Naples, March 23, 1881, and No. 3537 of Leavenworth, February 27, 1882, to III (1), must be observed.

(i) Cf. Acta S. Sedis, vol. XXI, pages 567, 701, and 743. The most important reason for this decision is that, before the Blessed Sacrament is exposed, hymns and liturgical prayers, such as the *Tantum ergo* and the *Litaniae Lauretanae*, must be sung only in the Latin language. Other prayers and other non-liturgical songs, even those written in the vernacular language, may be read or sung before the Blessed Sacrament is exposed, provided that this is not done immediately before the Benediction, nor during the act of Benediction. Indeed, the prayers *Dio sia Benedetto*, etc., as prescribed in Decree No. 5237 to I of Burgos S. Domnini, may also be recited.

[*Latin ed. p. 570*]

570 FROM S. C. RITUUM 0 Regarding III. Negative, according to Decree No. 3725 of the Order of the Capuchin Minor Friars of the Province of Helvetica, dated May 23, 1835, concerning V (\). Regarding IV. Affirmative concerning the questions and answers of the godfather or godmother, if these are recited in Latin by the priest beforehand (2). Regarding V. Affirmative, provided that the translation is faithful and approved by the Ordinary (3). And thus it was responded, on March 5, 1904. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. These can be recited immediately before the Holy Benediction, namely after the prayer "Deus qui nobis." Cf. Acta S. Sedis, vol. XII, p. 197. (1) The text of the aforementioned Decree concerning V states: "Whether the custom

Translated by churchlatin.ai, a product of Boyne Archives

of reciting in the vernacular the words 'Ecce Agnus Dei' and 'Domine non sum dignus' during Holy Communion should be maintained, or rather eliminated, since it is contrary to the Roman Ritual and Missal?" And the S. R. C. responded concerning V: "The custom should be eliminated." (2) Baptism must be conferred entirely in the Latin language. Indeed, according to the Roman Ritual, the questions of the minister and the answers of the godparents must be given in Latin. However, gradually, due to various reasons, this strict rule has been relaxed, especially in mission territories. Certainly, the Sacred Congregation of Rites, in Decree No. 5555 Urgellen, concerning X, dated December 30, 1881 (Cf. Acta S. Sedis, vol. XXI, p. 758, concerning doubt XVIII), already permitted the godparents to recite the Our Father and the Creed in the vernacular language, while the priest recited them in Latin. Moreover, the Congregation of the Holy Office, on August 23, 1880, concerning the doubt: "Whether it is permissible to ask questions in the vernacular language during the celebration of Baptism? Or rather, should the questions first be asked in Latin, and then translated into the vernacular language, so that they may be understood by the adult being baptized, or by the godparents, if it concerns the Baptism of infants?" gave the response: "Concerning the first part: It is not necessary. Concerning the second part: Affirmative." And the same Congregation, on August 23, 1886, responded: "Let the Decree of the feast of IV, May 24, 1882, be given, namely: Baptism must always be conferred in the Latin language. However, the questions must be asked in Latin, and repeated in the vernacular language." From these, it is clearly evident that the questions of the baptizer could be asked in the native language; however, concerning the answers of the godparents, not a word is said, and therefore some doubted whether these also could be given in the vernacular language. However, the current Decree of the S. Rituum C. resolves this question entirely, by responding that even the answers of the godparents can be given in the vernacular language. (3) This refers to the prayers ordered by Leo XIII after Mass and recently confirmed by Pius PP. X; Cf. Acta S. Sedis, this vol., p. 184.

[*Latin ed. p. 571*]

FROM THE SACRED RITUALS, 571. DECLARATIONS concerning privileges granted to Apostolic Protonotaries, for the purpose of uniformity. Since certain difficulties have arisen regarding the equitable interpretation of the Constitution of the blessed Pope Pius IX, which begins with the words "Apostolicae Sedis officium," dated September 4th, 1872 (1), and presented to the Most Holy Pope Pius X, especially concerning the privileges with which the Chapter of Tarviso was recently adorned; the same Holiness, in order that a single norm may be observed by all Apostolic Protonotaries, has decreed the following through the Congregation of Sacred Rites:

I. Regarding § II of the aforementioned Constitution: The biretta, which

Translated by churchlatin.ai, a product of Boyne Archives

Apostolic Protonotaries use when participating in sacred functions, must indeed be black; nevertheless, it may be adorned, according to a custom already introduced in certain regions, with a lemniscate of the same color, and with a ribbon or cord with which they usually encircle the biretta.

II. Regarding § XV: When celebrating Mass pontifically, the Protonotary shall never read or chant at the *scamnum*, but always at the altar. At the end of Mass, when giving the simple blessing, not the triple blessing, he shall not dare, as bishops do, to precede it with "May the name of the Lord and His help be with you," but shall simply chant "May Almighty God bless you..." while wearing the mitre.

III. Regarding § XVI: When entering the church to celebrate Mass pontifically, he may wear the pectoral cross over his cassock, and the ring on his finger.

IV. Regarding § XVII: The Protonotary may also, adorned with the mitre, pectoral cross, and ring, celebrate Vespers at the *scamnum*, in the manner of priests, of that feast day for which he himself is to celebrate Mass pontifically, or has already done so. He may also use these same adornments, but only with a special commission from the Ordinary of the place, at Vespers of a feast day for which Mass is celebrated pontifically by some other Prelate; when giving the blessing with the Most Holy Sacrament in solemn ceremonies, and also in processions, as well as in one of the five blessings given at more solemn funerals, as described in the Roman Pontifical.

(1) Cf. Acta S. Sedis, Vol. VII, page 83.

[*Latin ed. p. 572*]

572 FROM THE SACRED CONSTITUTION ON RITES, V: Regarding § XVIII: A Protonotary may celebrate Mass, even outside the City, according to the manner and form prescribed in § XIX, when the Ordinary of the place has entrusted him with this office to fulfill it during some solemnity. Notwithstanding any contrary provisions, and with all other things remaining as they are in the aforementioned Constitution concerning Apostolic Protonotaries, either permitted or prohibited. March 9, 1904. S. CARD. CRETONI, Prefect. L. "S. f D. PANICI, Archbishop of Laodicea, Secretary. On Wednesday, February 23, 1904, a Preparatory Congregation of Sacred Rites was held in the Vatican Apostolic Palace concerning the causes of: Rome, or Praenestina, and Trent. - For the Beatification and Canonization of the Venerable Servant of God, Stephen Bellesini, Parish Priest of the village of Genestang, of the Order of Eremite Fathers of Saint Augustine. - Regarding a Doubt: "Whether and concerning which miracles there is evidence in this case and to the effect of which we are speaking." The Reverend Fathers Consultors in Theology, as well as the Illustrious and Reverend Lords Consultors in the Episcopate, were present and gave their opinions, as were the Eminent and Reverend Lords Cardinals, Prefects. On Wednesday, March 8, 1904, a General Congregation of Sacred Rites was

Translated by churchlatin.ai, a product of Boyne Archives

held before the Most Holy [Pope], concerning the causes of: 1. Bellicen. - For the Beatification and Canonization of the Venerable Servant of God, John Baptist Vianney, Parish Priest of the village of Ars. - Regarding a Doubt: "Whether, with the approval of virtues and two miracles already established, it is possible to proceed safely to the solemn Veneration of God's Beatification?"

[*Latin ed. p. 573*]

FROM THE SACRED RITUALS, 573, 2. Concerning Alerius, or Papian. – The canonization of the Blessed Alexander Saul, Bishop of Aleria, and afterwards Papian, of the Congregation of Clerics Regular of Saint Paul, the Barnabites. – Regarding the doubt: "Whether, and concerning which miracles, it is established, after the granting of veneration to said Blessed, in the case and to the effect of which we are speaking." The Reverend Fathers Consultors in Theology, and the Illustrious and Reverend Lords Consultors, Prelates, as well as the Eminent and Reverend Lords Cardinals of the Holy Roman Church, Prefects, were present and gave their votes. On Wednesday, the 22nd of March, in the year 1904, in the Apostolic Palace at the Vatican, with the presence of the Reverend Prelate Officials, a Particular Congregation of Sacred Rites was held concerning the following matters: 1. Concerning Tunquino. – The beatification, or declaration of martyrdom, of the Venerable Servants of God, Francis Gi de Federich, Matthew Alonso Leziniana, Hyacinth Castañeda, and Vincent Liem a Pace, priests and missionaries of the Order of Preachers, who were killed in Tunquino, in the Orient, by idolaters, out of hatred for the Christian religion. – Regarding the doubt: "Whether it is established, concerning the martyrdom and the cause of the martyrdom, by signs or miracles, in the case and to the effect of which we are speaking?" 2. Concerning Abyssinia. – The beatification, or declaration of martyrdom, of the Venerable Servants of God, Agathangelus and Cassian, of the Order of the Minor Brethren of Saint Francis, the Capuchins. – Regarding the doubt: "Whether it is established, concerning the martyrdom and the cause of the martyrdom, by signs or miracles, in the case and to the effect of which we are speaking?"

[*Latin ed. p. 574*]

574 FROM THE HOLY CONGREGATION FOR INDULGENCES AND 83. RELICS: An indulgence of 300 days is granted to Religious Communities who recite a certain invocation to the Most Blessed Immaculate [Mary]. Most Reverend Father, the Canon Pasquale Antonelli, prostrate at the feet of Your Holiness, humbly implores that Your Holiness deign to grant some indulgence to those Religious Communities who recite the following invocation: "O Mary, through the glorious triumphs of your Immaculate Conception, help, hear, and console this pious Community and all our families." Having heard the aforementioned exposition, on the most holy day

Translated by churchlatin.ai, a product of Boyne Archives

of January 27, 1904. Most Holy Father, having heard the exposition, You benignly grant an indulgence of three hundred days, to be gained once a day, applicable to the souls even in Purgatory, to all Religious Communities who recite the aforementioned invocation. In witness whereof, etc. CASIMIRUS CARD. GENNARI. A copy of this concession has been delivered to this Holy Congregation, which presides over Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the Secretariat of the same Holy Congregation, on January 28, 1904. L. * S. I. M. Can. COSELLI, Substitute.

[*Latin ed. p. 575*]

575 FROM THE HOLY CONGREGATION CONCERNING EXTRAORDINARY ECCLESIASTICAL AFFAIRS IN VIENNA. The faculty to grant dispensations regarding impediments of affinity arising from illicit unions in collateral lines in marriages contracted or to be contracted is granted.

Most Blessed Father,

In the Archdiocese of Vienna, with regard to matrimonial matters, both the law of the Austrian civil code and canon law are in force. According to the provision of § 66 of the civil code, affinity is generated solely by the marriage contract. However, according to canon law, an impediment of affinity arising from an illicit union in the first and second degrees (1) is a diriment impediment.

Since the people may not easily be instructed about this distinction, it often happens that, even after a rigorous examination of the betrothed, marriages are contracted in which, unbeknownst to the parish priest, a diriment impediment arising from an illicit union exists. If such an impediment remains hidden, the Ordinary can dispense with it using the quinquennial faculty; otherwise, if the impediment is public or easily proven, which often happens when, shortly after marriages are contracted, rumors arise in the very places where the spouses live about unions that have taken place between persons about whom mention has been made above, even though the faithful do not speak of the impediment; from this rumor, knowledge of the impediment reaches the parish priest and causes great difficulties.

Having explained these matters, the Ordinary of Vienna, humbly prostrating himself before Your Holiness, requests that he be granted, at least for a certain number of cases, the faculty to benignly grant dispensations from the impediment of affinity arising from an illicit union, even in the (h) line.

Indeed, according to canon law, in addition to the diriment impediment of the first and second degrees in the collateral line, the same impediment arises a fortiori in the entire direct line. However, although the Holy See has unlimited power to grant dispensations in this matter, the same has been

Translated by churchlatin.ai, a product of Boyne Archives

granted to the Bishop of Vienna, but only with regard to the collateral line.

[*Latin ed. p. 576*]

FROM the Most Holy Congregation of Extraordinary Ecclesiastical Affairs, 576, if such an impediment exists in marriages contracted and to be contracted. For which purpose, etc. They were heard by the Most Holy Fathers on February 23, 1904. His Holiness, Our Lord, Pope Pius X, referring to the following, with the Secretary of the aforementioned Most Holy Congregation of Extraordinary Ecclesiastical Affairs, considering the particular circumstances of the matter, benignly granted the Reverend Ordinary of Vienne the faculty, for the next three years, to dispense to the faithful, subject to his jurisdiction, from impediments of affinity arising from an illicit union, for just and weighty reasons, so that they may contract marriage with each other, or remain in the same marriage, even with said impediments, provided that they renew their consent before the parish priest and witnesses, and to absolve them from excesses, excommunications, and other ecclesiastical censures and penalties, imposing upon them, according to the manner of the offense, salutary penance, and to declare the offspring, both those conceived and those to be conceived, legitimate, imposing, at the discretion of the aforementioned Ordinary, some alms to be given to a pious work. And in each dispensation, express mention shall be made of the Apostolic faculty obtained for this purpose. Contrary things notwithstanding. Given at Rome, from the Secretariat of the aforementioned Most Holy Congregation, on the day, month, and year as above. L. & S. f PETRUS, Archbishop, Secretary.

[*Latin ed. p. 577*]

577 ACTS OF THE ROMAN PONTIFF: APOSTOLIC LETTER whereby Pope Pius X commends the symbols instituted for the expansion of the Washington Academy.

PIUS PP. X. To Our Beloved Son, greetings and Apostolic blessing.

Concerning the great fortune of the Washington Lyceum, which you recently expressed, and which has aroused great concern and solicitude in Our hearts, We have learned that, following the best of precedents, and especially in this matter of great importance and utility, Our endeavors, which We have long fostered for the illustrious Academy of America, are to be maintained in the highest regard of the Apostolate, and even to be further promoted. Therefore, We are very pleased to learn that the Lyceum's administrators, and other interested parties, have approved the following: that, beginning on the first Sunday of Advent, or, if that is not possible, on the next available Sunday, in all churches of the United States, symbols shall be collected for ten years to enhance the "Washington Academy."

We consider this a most fruitful and prudent plan, and We desire and hope that the bishops and faithful students of doctrine and religion of this

Translated by churchlatin.ai, a product of Boyne Archives

republic will strive with all their might to achieve the goals of the Academy and of the entire republic.

May God, through His grace, deign to help this endeavor. We impart to you and your flock from the heart Our Apostolic blessing.

Given at Rome, at St. Peter's, on the ninth day of September, in the year 1903, in the first year of Our Pontificate.

PIUS PP. X.

To Our Beloved Son, James, Titular Archbishop of St. Mary beyond the Tiber, Prefect of the Sacred Congregation, Cardinal Gibbons, Archbishop of Baltimore, and Chancellor of the Great Lyceum of Washington.

Baltimore.

[*Latin ed. p. 578*]

578 APOSTOLIC LETTER from the Most Holy Pope Pius X concerning the regulation of Christian popular action.

PIUS X

Beloved Son.

Among the many demonstrations of affection towards Our person and devotion to this Holy Apostolic See, which have reached Us on the feast of Saint Joseph, that which you, beloved son, have made on behalf of the members of the II Group of the Congresses' Association has been particularly pleasing to Us. And this especially because to the expressions of good wishes for Our well-being is added the solemn promise of constant and unconditional obedience in applying the social doctrines of the Church to the restoration of society in Christ. Indeed, although We have never had reason to doubt such sentiments, always manifested through deeds, this new confirmation brings Us greater comfort and reassurance. We are therefore persuaded that the II Group, in its activity, will strive not only to keep its members away from those societies which are the direct cause of intellectual and moral corruption, but will also endeavor in every way to keep its members away from those neutral institutions, which, ostensibly established to protect the worker, have a purpose other than the principal aim of the true moral and economic good of individuals and families.

And in this regard, We declare that those institutions which do not fully adhere to the II Group of the Congresses' Association shall not be considered as Catholic social institutions. Nor will the Clergy, especially in order to avoid serious responsibilities, be able to participate in societies which, although apparently good, wish to evade a supervision that corresponds to a valid protection. With this in mind, We are certain that We are interpreting the desire of Our Venerable brothers, the Bishops, who, through the

Translated by churchlatin.ai, a product of Boyne Archives

works of Catholic popular action, will be freed from further annoyances, and often even from very serious troubles.

We also take this opportunity to remind the II Group of all those who, easily swayed by novelties, allow themselves to be enticed by those who, under specious appearances, conceal the intention of using them as instru-

[*Latin ed. p. 579*]

APOSTOLIC LETTERS 579, so that they may put into effect their, at the very least, dubious intentions. Therefore, the II Group of the Congresses' Work should strive to keep, especially the young, within proper limits; for, in their generosity, but not always with mature judgment, they desire to reform everything, aspire to bold undertakings, and, even with the desire for the best, do not achieve the good. And if they do not prove obedient to friendly observations, let them be excluded from your Work, which seeks not numbers but loving concord, without which true good can never be attained. Continue, therefore, dear son, as you have done until now, together with your excellent colleagues, to promote and direct not only institutions of a purely economic nature, but also those that are related to them: workers' and employers' professional associations, bringing them into harmony; people's secretariats for legal and administrative advice, also regulating in the best way the works for emigrants, and those of sound propaganda and study; and you will not lack the sweetest consolations. As for Us, We will always help you with Our authority and word, and We will constantly pray to the Lord, that He may grant to all the grace to continue with zeal such holy and salutary undertakings. As an encouragement, and as a pledge of particular benevolence, We impart, with an outpouring of heart, the Apostolic Blessing to you, dear son, to the advisors of the II Group, to your families, and to all who have a part in your works. From the Vatican, 19 March 1904. PIUS PP. X To the beloved son, Count Stanislao Medolago Albani, President of the II Group of the Catholic Congresses' Work.

[*Latin ed. p. 580*]

80. APOSTOLIC LETTERS: By which the heavenly patron, Saint Francis Xavier, is given to the pious work of the Propagation of the Faith, and its solemnity is increased twofold. POPE PIUS X. For the perpetual memory of this matter. Having undertaken a task far greater than that which is contained within the vigilance of Rome, and being placed in the very summit of the Christian priesthood, endowed with the gift of divine madness, we have resolved to sustain a solicitude of the highest order. For Christ, about to depart from the earth, commanded the Apostles, and especially Peter, whom He wished to excel not only in dignity but also in the study of heavenly glory, to teach all nations, and to bring the salutary preaching of the new doctrine to the most remote and most savage parts of the world. Following the divine precepts, and guided by the clearest examples of Our

Translated by churchlatin.ai, a product of Boyne Archives

Predecessors, we consider that nothing is more consonant with Our office than to grant all grace and favor to those things which seem to contribute to the manifestation of the light of the Gospel and to the extension of the boundaries of the Church. Among these, that work which bears the noble name of the Propagation of the Faith is eminently worthy of praise for its utility and its works. The origin of this work appears to have been plainly inspired by divine impulse. For the faithful people of the Church, because they did not have a sufficient share assigned to them in preaching the doctrine of Christ, it was the will of God's providence that they should help the heralds of the Gospel with their support and resources. This was prompted by charity, by which the hearts of the best of men were moved towards the Redeemer Christ, so that the faithful from every nation and people might unite in one body, and contribute something from their resources to be devoted to holy endeavors, and also, by the prayers of the ministers of the sacred rites, to help, and thus to achieve what was the sum of their desires, namely, the increase of the divine kingdom on earth. It is known to all that this kind of association has rendered a most excellent service to the propagation of the Christian faith. It is to this noble group that we owe the benefits that have been brought to our religion and to human culture in those places, so that the messages of the Catholic doctrine may reach distant and barbarous lands. From this, the beginnings of salvation have been brought to countless peoples; from this, the fruits of souls have been gathered.

[*Latin ed. p. 581*]

APOSTOLIC LETTERS 581, the value of which no one can rightly estimate, except he who has experienced the power of the Blood of Christ; hence, in a manner marvelous, the law of spreading the Gospel has been observed, contrary to what might be expected from the separate efforts of men. Considering the merits of this Society, we have always felt it necessary to devote ourselves to this distinguished group, and we have not failed to provide them with even a small measure of assistance; yet, with greater aspirations in mind, if God, in His goodness, should grant the opportunity. Now, since Almighty God has granted us this, so that we may distribute spiritual benefits to the faithful from this Chair of Peter, we do not wish to neglect to honor this group, which we have praised above, with a special expression of our favor. Therefore, all and each of those whom these Letters favor, and from whom any excommunication and interdict, or other ecclesiastical sentences, censures, and penalties, if any they may have incurred, are hereby remitted, and are to be considered absolved, by the authority of Our Apostolic presence, so that, together with external support for the Society, the protection of Tulle and the grace from on high may be fittingly joined; We choose, We appoint, Saint Francis Xavier as its heavenly Patron, and We wish that all honors be given to him that are due

Translated by churchlatin.ai, a product of Boyne Archives

to heavenly Patrons; and, so that the celebration of his feast day may not lack human observance and a more ample liturgy, We likewise, by Our Apostolic authority in these presents, promote it to a double feast, with the rubrics observed, throughout the entire Church. This heavenly Patron has a unique and proper connection with the work of "Propagating the Faith." Indeed, as Saint Francis lived with such zeal and with such results in bringing peoples to the Christian truth, that the instrument of God seemed to revive in him, just as in the very Apostles. Therefore, We have good hope that this most noble group will receive ever greater growth, with Saint Francis as its intercessor, and also with an abundance of fruits, in the number of members, and in all those who contribute, with generosity and diligence, so that it may demonstrate, as the Church was founded by Christ, in which salvation is offered to every believer, so too may this Society of Propagating the Faith be inspired by divine counsel, so that the light of the Gospel may shine forth to those who have not yet believed. This, without a doubt, will greatly advance the cause, even though the wills of Catholics, acting separately and privately, offer generous contributions; but nothing will be of use...

[*Latin ed. p. 582*]

582 APOSTOLIC LETTERS: These have greater weight than if Catholic officials were to discuss them, as has been prudently provided for. Indeed, those things which are less united among themselves are of less value for the cause; those, however, which are joined and ordered together are of great value. We say that the former are done correctly, and also that the latter are done properly. May the Author and Restorer of the human race, Christ, whose most holy name this assembly seeks to promote, protect this work with grace and support: for we, having been redeemed not with gold or silver, but with the precious blood of the Son of God, must strive with all our might for divine things, with great prayer. We command this, and decree that these present Letters shall be firm, valid, and efficacious, and shall have their full and complete effect, and shall fully assist those to whom they pertain, in all things and through all things, and that they should be judged and determined in the aforementioned matters by any ordinary or delegated judge, and shall be declared void and null if anyone, knowingly or unknowingly, should attempt to interfere with them in any way. Notwithstanding any Apostolic Constitutions and Ordinances, or any other contrary things whatsoever. We wish that the same faith be given to copies or transcripts of these present Letters, even if printed by the hand of a public notary, and sealed with the seal of a person constituted in ecclesiastical dignity, as would be given to the present Letters themselves, if they were exhibited or shown. Given at Rome, at St. Peter, under the Fisherman's Ring, on the 25th day of March, 1904, in the first year of Our

Translated by churchlatin.ai, a product of Boyne Archives

Pontificate. ALOIS. CARD. MACCHI.

[*Latin ed. p. 583*]

583 APOSTOLIC LETTERS, whereby Pope Pius X urges the Patriarch of Lisbon and other prelates of Lusitania to contribute their resources for the greater growth of the College of Clerics of Lusitania in the City. TO THE MOST BELOVED SON, JOSEPH SEBASTIAN, Titular Basilic of the Twelve Apostles, Reverend Father, Cardinal NETO, Patriarch of Olissipo. Beloved Son, greetings and Apostolic blessing. A most important part of the supreme pastoral office which we exercise in Christ is to consider the needs of young people of various origins residing in the City, where young men, chosen from all nations, grow in hope for the Church, as it were, in a nursery. For these, who are as it were constantly before Our eyes, daily draw from the pure fountain of Peter the wisdom of Christ, which, increased by the priesthood, they are accustomed to preach more easily among their own people when they are sent back to their homeland. Among these colleges, we especially note that one in which the youth of Lusitania are formed for the priestly ministry: which, founded by our predecessor of immortal memory, Leo XIII (1), is, although more recent in age in the City, embraced by us with greater care and more abundant charity. For a considerable amount of resources, derived from it in a short space of time, offers a certain hope of greater fruits, which will benefit the Lusitan Clergy in the future. Furthermore, the students received there, and these beloved sons of James Sinibaldi, a priest, flourish so well in the teachings of virtue and doctrine, that it is not only easy for us to foresee that their ministry will be equally useful to religion and to the state, but we have already decided to devote all our efforts to the good and unity of this Institute. However, moved by such a spirit of benevolence, it grieves us greatly that not all of the Lusitanians have agreed with our endeavors and studies with the same ardor that the excellence of the work demands. For this reason, we believe that certain rumors are spreading (1).

(1) Cf. Acta S. Sedis, vol. XXXIII, p. 286.

[*Latin ed. p. 584*]

584 BY PAPAL ACT, in order to diminish the honor of the College of the Portuguese, entirely composed of those who either harbor an unjust animosity towards the Institute or who, with a shallow mind, judge its condition poorly. We wished to make all of this clear to you, our beloved Son, so that, with your sentiments of charity and justice, you might inform all the most religious prelates of Portugal about this, and that you might incite them with every kind of zeal in this work, which, while it will be of great benefit to them, promises to be a distinguished honor to your entire nation. Meanwhile, hoping that, through the patronage of the Virgin, ever free from all stain, all things may proceed happily, we impart, with the

Translated by churchlatin.ai, a product of Boyne Archives

greatest affection, the Apostolic Blessing to you and to all the Venerable Brothers, Bishops of Portugal. Given in Rome, at St. Peter's, on the 19th day of April, in the year 1904, in the first year of Our Pontificate. PIUS PP. X.

BY PAPAL ACT: Graces and Privileges granted to Clerical Conclavists after the last Conclave. As a certain demonstration of Our particular benevolence, We grant these favors to Our beloved sons, ecclesiastical men, who assisted Us and Our Venerable Brothers, the Cardinals of the Holy Roman Church, in the Conclave, in which, through the divine favor of Our clemency, We were elected to the Supreme Pontificate, or who performed various duties there; and We have maintained, as far as circumstances permitted, the custom handed down by Our predecessors. Therefore, with the utmost consideration for graces and privileges, and with a view to their present utility, We have decreed the following by Our authority and by Our own Papal Act:

I. To the Clerical Conclavists of the Holy Roman Church, residing in the city or presiding over dioceses of Italy, a sum of one hundred and fifty gold coins will be granted annually, as a pension.

II. Graces, provisions, or commendations for any ecclesiastical benefices, and Apostolic Letters pertaining to these, will be granted to them free of charge, only once.

[*Latin ed. p. 585*]

MOTU PROPRIO .585 III. If they are using a weakened state of health, they shall have the right, observing what must be observed, to perform the Sacred rites by themselves, in their own oratory, which has been approved by their own Ordinary. To other Clerics who are Conclavists, who have followed our Venerable Brothers, the Cardinals of the Holy Roman Church, appointed to govern dioceses outside of Italiam, remembering the aforementioned condition, and observing what has been stated above, the right to a private oratory shall belong. IV. Letters granting these privileges and rights shall be granted freely for every reason. V. The grace declared in this way shall not be to the detriment of any other graces, whether obtained or to be obtained from any chapter; nevertheless, all the efficacy of the prescriptions shall remain, which were published by our blessed predecessor, Pope Leo XIII, on the 24th of May, in the year 1877. Without prejudice to our Constitutions, Ordinances, the Rules of the Apostolic Chancery, and other things which, although perhaps deserving of special and individual mention, are nevertheless to remain in full force, we hereby, for this occasion only and expressly by this Motu Proprio, derogate from them, and from all other contrary provisions, with the appropriate clauses. Let this be done by Motu Proprio, and with absolution from censures, to be effective, etc. And with the declaration that the remaining privileges and indulgences contained in similar documents of Motu Proprio, issued by some of our Predecessors, concerning the Conclavists, shall, for the present,

Translated by churchlatin.ai, a product of Boyne Archives

remain suspended, due to the present circumstances of things and times. And that the signature of this Motu Proprio shall be sufficient and shall be valid everywhere, in judgment and outside of it, notwithstanding any contrary rule; and that a more complete and accurate specification and expression of all the foregoing may be made in Letters to be issued, in which the names and surnames of individual Conclavists may be expressed and described, or may be considered as expressed and described, including the Sacristan and Masters of Ceremonies of our Chapel, as well as the Secretary of the College of the aforementioned Cardinals. We decree that the Letters concerning the present matter, and also copies of the present Motu Proprio, printed and signed by the hand of some person of ecclesiastical dignity, and sealed, shall have the same validity.

[*Latin ed. p. 586*]

586 BY A SPECIAL DECREE, both in judgment and outside of it, that which is applied to the original documents or to the present Special Decree, if they were presented or shown, or were to be presented or shown.— Let it be done. Given in Rome, at St. Peter's, on the nineteenth day before January, in the first year. A. CARD. DI PIETRO, Pro-Datary. BY A SPECIAL DECREE: The Vatican Edition of liturgical books contains Gregorian melodies. PIUS PP. X By Our Special Decree of November 22, 1903 (1), and by the subsequent Decree published by Our order by the Congregation of Sacred Rites on January 8, 1904 (2), We restored to the Roman Church its ancient Gregorian chant, that chant which it inherited from the fathers, which it jealously guarded in its liturgical codices, and which recent studies have very happily restored to its original purity. But in order to complete, as is fitting, the work begun, and to provide to Our Roman Church and to all the Churches of the same rite the common text of the Gregorian liturgical melodies which We have restored, We have decreed to undertake, through the printers of Our Vatican Printing House, the publication of the liturgical books containing the chant of the Holy Roman Church which We have restored. And because everything may proceed with the full understanding of all those who are or will be called by Us to offer the fruit of their studies to a work of such importance, and because the work may proceed with due diligence and alacrity, We establish the following rules: a) The melodies of the Church, so-called Gregorian, shall be restored in their integrity and purity according to the faith of the most ancient codices, so that, however, particular attention shall also be given to the legitimate tradition contained in the codices throughout the centuries, and to the practical use of the present liturgy. (1) Cf. Acta S. Sedis, vol. XXXYLp. 329 et 387. (2) Cf. » » p. 426.

[*Latin ed. p. 587*]

MOTU PROPRIO 587 b) Due to Our special predilection for the Order

Translated by churchlatin.ai, a product of Boyne Archives

of St. Benedict, recognizing the work performed by Benedictine monks in the restoration of the genuine melodies of the Church of Rome, particularly those of the French Congregation and the Monastery of Solesmes, We desire that, for this edition, the preparation of the sections containing the chants be entrusted in a special manner to the monks of the French Congregation and the Monastery of Solesmes.

c) The works thus prepared will be submitted to the examination and revision of the special Roman Commission, recently established by Us for this purpose. This Commission is obligated by a sworn oath regarding all matters pertaining to the compilation of the texts and the progress of the printing; and this obligation shall also extend to other individuals outside the Commission who may be called upon to contribute to the same purpose. Furthermore, it must proceed in its examination with the utmost diligence, ensuring that nothing is published of which a suitable and sufficient explanation cannot be given, and, in cases of doubt, seeking the opinion of other individuals, outside the Commission and the Editorial Board, who are recognized as skilled in this type of study and capable of rendering an authoritative judgment. If, in the revision of the melodies, difficulties arise due to the liturgical text, the Commission must consult the other historical-liturgical Commission, previously established within Our Congregation of Sacred Rites, so that both may proceed in agreement regarding those parts of the books that are the subject of common interest to both.

d) The approval to be given by Us and by Our Congregation of Sacred Rites to the books of chant thus compiled and published will be of such a nature that no one will be permitted to approve liturgical books, unless these, even in the sections containing the chants, are either entirely in conformity with the edition published by the Vatican Printing Press under Our auspices, or, at the very least, are so in conformity, according to the judgment of the Commission, that the variations introduced are demonstrably derived from the authority of other reliable Gregorian codices.

e) The literary property of the Vatican edition is reserved to the Holy See. To publishers and printers of every nation who request it and who, under certain conditions, offer reliable guarantees of being able to conduct the work properly, We will...

[*Latin ed. p. 588*]

588 BY A PAPAL ACT, We shall grant the grace to freely reproduce it as they see fit, to extract portions from it, and to disseminate copies everywhere. Thus, with God's help, We hope to restore to the Church the unity of its traditional chant in a manner befitting science, history, art, and the dignity of liturgical worship, to the extent that present studies permit, and reserving to Ourselves and Our Successors the faculty to otherwise dispose of it. Given in Rome, near St. Peter's, on the 25th of April, 1904, in the year of Our Pontificate, the first. PIUS PP. X.

Translated by churchlatin.ai, a product of Boyne Archives

COMMISSION PONTIFICIA PER L'EDIZIONE VATICANA DEI LIBRI LITURGICI GREGORIANI.

Members of the Commission:

Most Reverend Father Giuseppe Pothier, O.S.B., Abbot of Saint Wan drille, President.

Monsignor Carlo Respighi, Pontifical Ceremonial Master.

Monsignor Lorenzo Perosi, Perpetual Director of the Sistine Chapel.

Reverend Father Antonio Relia, of Rome.

Reverend Father Andrea Mocquereau, O.S.B., Prior of Solesmes.

Reverend Father Lorenzo Janssens, O.S.B., Rector of St. Anselm of the City.

Reverend Father Angelo De Santi, S.J.

Professor Barone Rodolfo Kanzler, of Rome.

Professor Dr. Pietro Wagner, of Friburgo (Switzerland).

Professor H. G. Worth, of London.

Consultors of the Commission:

Reverend Father Raffaello Baralli, of Lucca.

Reverend Father F. Perriot, of Langres.

Reverend Father Alessandro Grospellier, of Grenoble.

Reverend Father Renato Moissenet, of Dijon.

Reverend Father Normanno Holly, of New-York.

[*Latin ed. p. 589*]

MOTU PROPRIO 589. Reverend Father Ambrose Amelli, O.S.B., prior of Monte Cassino. Reverend Father Ugo Gaisser, O.S.B., of the Greek College in Rome. Reverend Father Michele Horn, O.S.B., of the Monastery of Seckau. Reverend Father Raffaele Molitor, O.S.B., of the Monastery of Beuron. Professor Amedeo Gastoué, of Paris.

(Version)

PIUS PP. X. By Our own initiative, on the twenty-second day of November in the year 1903, and by the subsequent Decree, issued at Our command by the Congregation of Holy Rites on the eighth day of January in the year 1904 (1), We restored to the Roman Church that ancient Gregorian chant, which She received from her predecessors, which She faithfully preserved in liturgical codices, and which the most recent studies have happily restored to its original purity. In order that this important work may be completed, as is fitting, and that Our Roman Church and all Churches of the same rite may have a common text of the liturgical melody of the Gregorian chant, We have decreed that liturgical books containing the chant of the Holy Roman Church, restored by Us, be printed by the presses of Our Vatican. Furthermore, that all things may occur with the full agreement

Translated by churchlatin.ai, a product of Boyne Archives

of all those whom We call and will call to contribute their efforts to this important undertaking, and that no labor be lacking in diligence and zeal, We decree the following:

a) The melodies of the Church, which are called Gregorian, shall be restored in their integrity and purity, according to the fidelity of the most ancient codices, but in such a way that due regard shall be had for the particular reason of legitimate tradition, which is contained in the codices throughout the centuries and in the practice of modern liturgy.

b) Because of Our particular affection for the Order of Saint Benedict, recognizing the efforts made by the monks of the Benedictine Order in restoring the genuine melodies of the Roman Church, and especially by those of the French Congregation and the Monastery of Solesmes, We wish that, for this edition, the redaction of the parts containing the chants be entrusted, above all, to the monks of the French Congregation and the Monastery of Solesmes.

(1) Cf. Acta S. Sedis, vol. XXXVI, p. 329, 387, and 426.

[*Latin ed. p. 590*]

590. By a Motu Proprio, c) The works completed are submitted to the examination and revision of a particular Roman Commission, recently instituted by Us for this purpose. This Commission is bound by a secret oath regarding all matters pertaining to the composition and continuation of the text; and those outside the Commission who are called upon to contribute to this task are also subject to this obligation. Furthermore, it must diligently examine everything, ensuring that nothing is published for which a suitable and sufficient justification cannot be provided, and in cases of doubt, it must seek the judgment of other men, outside the Commission and the Editorial Board, who are outstanding in this field and are capable of authoritative judgment. If difficulties concerning the text arise in the revision of the melodies, the Commission shall consult another historical-liturgical body, already previously established within Our Sacred Congregation of Rites, so that both may proceed in harmony in those parts of the books which constitute the common objective of both.

d) The approval to be given by Us and by Our Sacred Congregation of Rites to the books of chant thus prepared and published will be such that, in the future, no one will be permitted to approve liturgical books if these, even in the parts containing chants, are not entirely in conformity with the edition published by the Vatican Printing Press, under Our auspices, or at least are not so similar that the variations introduced are shown to stem from the authority of good codices Gregorian.

e) The right of property of the Vatican edition is reserved to the Apostolic See. To publishers and printers of any nation, who may request it, and who, upon established conditions, guarantee the proper execution of the work,

Translated by churchlatin.ai, a product of Boyne Archives

We will grant the grace of reprinting this edition, as well as the freedom to extract from it whatever they may wish, or to disseminate copies everywhere. Thus, with God's help, We are confident that We shall restore the unity of traditional chant in a manner consistent with science, history, art, and the dignity of liturgical worship, as indeed the present studies require, while reserving to Ourselves and Our Successors the faculty of otherwise disposing of the matter.

Given at Rome, near St. Peter's, on the 25th day of April, in the year 1904, in the feast of St. Mark the Evangelist, in the first year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 591*]

591 FROM THE SECRETARY'S OFFICE: The Church of the Most Holy Rosary of the Blessed Virgin Mary in the town of Fontanellato, in the diocese of Parma, is raised to the status of a minor Basilica. PIUS PP. X. For the perpetual memory of this event. Located within the boundaries of the diocese of Parma, in the town commonly called Fontanellato, is a sacred edifice dedicated to God in honor of the Most Holy Rosary of the Blessed Virgin Mary. This church, which was first established in the sixteenth century together with a monastery of the Order of St. Dominic, and which, after various setbacks due to the passage of time and wars, was rebuilt, acquired a more splendid form and beauty over the following three centuries. The temple, distinguished by its size and its works of all kinds of art, features a shrine beneath the apse, in which is venerated an ancient image of the Virgin Mary herself, renowned for miracles and distinguished by a golden crown and jewels, which was redeemed in the year 1660. There, especially during the months of August and September, and also during the annual feast of the Rosary of Mary, large crowds of Christians from Emilia and other regions of Italy are accustomed to gather for a pious pilgrimage to venerate the miraculous image and to earnestly implore its help. Therefore, this sacred edifice has been enriched not only by the piety and generosity of the faithful and the monks, but also by Indulgences and numerous privileges granted by our predecessors, the Roman Pontiffs, and by eminent laymen. It is also noteworthy that many relics of the Saints of Heaven are preserved there with great reverence; among these, precious gifts stand out, with which the same temple was decorated by our predecessor, Pope Pius IX, and by the Curia of Parma. At the beginning of the nineteenth century, when the religious members, unjustly expelled from the aforementioned monastery by civil law, were soon followed by Dominican nuns, whose psalms and prayers constantly resound in the Marian edifice, while certain priests from the same Order of Preachers perform the sacred duties there. Considering all these things, the religious men and nuns, devoted to

Translated by churchlatin.ai, a product of Boyne Archives

the sanctuary of Fontanellato, earnestly invoke the Most Blessed Mother of God.

[*Latin ed. p. 592*]

592 FROM THE SECRETARY'S OFFICE: Humble supplications have been presented to this Holy Apostolic See, so that the celebrated sacred edifice might be enhanced in piety and devotion by being adorned with the title and dignity of a Minor Basilica. Our most beloved son, Andrew, Cardinal Priest of the Sacred Roman Church, from Ferrara, by Apostolic dispensation, Archbishop of Mediolanensium, together with the venerable brothers Aloisius Canali, Archbishop of Ptolemaidensis, from the diocese of Parmensis, and the Ordinary himself of Parmensis, and also our beloved son, the General Procurator of the Order of Preachers, having added the most ample offices of commendation to these prayers, We have judged these to be worthy of acceptance. Therefore, all and each of those to whom these Our letters are favorable, and from whom, if they have incurred any excommunications, interdicts, or other ecclesiastical sentences, censures, and penalties, shall be absolved and considered absolved, for this very reason, We hereby adorn the Sanctuary or Church of the Most Holy Rosary of the Blessed Virgin Mary in the town of Fontanellato, in the diocese of Parmensis, within the boundaries, with the title and dignity of a Minor Basilica, and We grant to it all the privileges and honors which rightfully belong to Minor Basilicas of the Eternal City. We decree that these present letters shall be firm, valid, and efficacious, and shall have their full and complete effect, and shall fully prevail for those to whom they pertain, now and in the future, in all things and through all things, and that they shall be judged and decided by whatever ordinary judges or delegates, and shall be declared void and null if anyone, knowingly or unknowingly, should attempt to interfere with these matters. Notwithstanding anything to the contrary. Given at Rome, at St. Peter's, under the Fisherman's ring, on the 26th day of September, 1903, in the first year of Our Pontificate. L. S. His Eminence, Cardinal Macchi.

[*Latin ed. p. 593*]

593 FROM THE SECRETARY'S OFFICE: A Brief from Pope Pius X to the "Les Missions Catholiques" ephemeris.

PIUS X, To Our beloved sons, greetings and the Apostolic blessing.

The weekly publication which you diligently and consistently produce under the title "Les Missions Catholiques" is most pleasing to Us and is well received. This sacred ephemeris, begun as far back as the year 1868, and commended by the blessed Pope Pius IX on May 15th of the year 1876 by Apostolic letters, has also been praised by Our predecessor, Leo XIII, who issued similar letters on December 6th of the year 1883. And We believe that nothing is more fitting or appropriate for promoting the Catholic

Translated by churchlatin.ai, a product of Boyne Archives

name than to illustrate, through printed writings, the deeds of those who proclaim the Gospel, so that true virtue may receive due praise and others may be spurred on by their example to strive for the same honor.

Therefore, We congratulate you, and especially Our beloved son, Th. Morel, Our Domestic Prelate, who has skillfully performed the office of Moderator of this ephemeris for twenty-four years, and We commend you both for providing this opportunity to the people, especially in these times when the Church is so burdened, to remember the works of the Lord.

Therefore, We have received with great joy the news that more versions of this ephemeris are being produced in the Italian, German, English, Spanish, Polish, and Hungarian languages. It pleases Us that the faithful of the entire Catholic world may learn of the deeds of the Apostles, their labors, their trials, their triumphs, so that all nations may support these sacred Catholic missions with prayers and with generous contributions.

Since your ephemeris has so excellently earned merit through the propagation of the Faith, We earnestly encourage all priests and the faithful to insert their names in the list of subscribers of this ephemeris; and We also invite those who proclaim the Gospel to contribute to the composition of this weekly publication, and to send you, at the appropriate time, letters about their activities, along with illustrations reproduced with the aid of light.

Finally, We pray to the Author of all good things, God, that He may favor your endeavors and that this work of yours may prosper, and that He may bless you, and the writers, and all the readers, and those who contribute to it.

[*Latin ed. p. 594*]

594 FROM THE SECRETARY'S OFFICE: To those who diligently dedicate themselves to the dissemination of this fruitful publication, or who contribute to its expenses, as a testimony of our affection for our beloved [Pernes], we impart, with unwavering zeal, the Apostolic Blessing. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twelfth day of December, in the year 1903, in the first year of Our Pontificate. L. * S. A. CARD. MACCHI. Pope Pius X approves and commends the Apostolic Union of Secular Priests, reserving its patronage to himself, and granting it further privileges and indulgences. (I) POPE PIUS X. For the perpetual memory of this matter. Nothing is more dear to Us than to see those men called by the Lord to a vocation flourish in the constant praise of Christian virtues. (1) In the Acts of the Holy See, it has already happened that We have spoken and recommended the Institute of the Apostolic Union among secular priests, so that the benevolent reader may see what We have said in its place and time. Indeed, in volume II, page 273, there are Letters in which Pope Pius IX, on March 17, 1866, congratulates the canon, Father Graduel, Vicar General of Orleans, because the seed sown by him through a commentary on the

Translated by churchlatin.ai, a product of Boyne Archives

life and morals of the Venerable Bartholomew Holtzhauser has fallen on good ground, and foretells abundant growth. Furthermore, in the same volume, page 507, are mentioned the thoughts that the praised Venerable nurtured for the benefit of those who dedicate themselves to ecclesiastical service; then, in volume XIII, page 338, are the Letters that Pope Leo XIII sent to the canon Lebeurier of Orleans, General President of the Apostolic Association, on May 31, 1880. In favor of this Institute, mention is also made of a certain Postulate of the Ecumenical Council of the Vatican, a Brief of Pope Pius IX, dated May 17, 1875, addressed to the Rector of the secular association of Namur, and another Brief of the same Pope, dated August 28, 1876, addressed to the Bishop of St. Paul in Brazil, and one of Leo XIII, dated April 7, 1897, addressed to the priest Aloysius Marini, Rector of the Apostolic Association in Italy. And Pope Pius X, happily reigning, while still Patriarch of Venice, on November 16, 1897, gave this most excellent approval to the Institute of the Apostolic Union: "I am very pleased to express my satisfaction at the favor that this pious Institution enjoys even among my clergy, and I pray that the day may soon come when all the priests of my diocese have joined it and faithfully observe its rules." Therefore, it is no surprise that He, now elevated to the pinnacle of the Supreme Pontificate, and eager to restore all things in Christ, earnestly exhorts all secular priests "to, for the sake of their own souls and for the sacred cause, strive with all their might..."

[*Latin ed. p. 595*]

"Let this [association] serve as an example, like a lamp placed on a stand, so that the good works of the Catholic clergy may shine forth, contributing to their edification and spiritual benefit, following in the footsteps of Our Predecessors. With this authority, We shall examine [these associations] and, if they are found to be beneficial, We shall bestow upon them a name. This Institute, (the Pope continues), of which We Ourselves were once members, and whose usefulness and excellence We have experienced... knowing that the priests who belong to it are, above all, the best... as a special testimony of Our love for Our own [diocese], We Ourselves assume the patronage of this Institute and reserve it to Ourselves." The Apostolic Union preserves the apostolic way of life, since the purpose of this clerical life is not to introduce a new institute or religion, but to truly embrace the very state of the clergy and the Church, founded by Christ and observed by the Apostles, under the immediate authority of the Ordinaries, and entirely free from any exemption. And already this Institute, at least in substance, flourished from the year 1640 through the work of the Venerable Bartholomew Holizhauser in Bavaria, and his Constitutions were approved by Innocent XI in the year 1680. See on this matter the Roman Bullarium, Volume XIX, page 241. Then, in the year 1862, it was revived in France by the Reverend Victor Lebeurier,

Translated by churchlatin.ai, a product of Boyne Archives

who is today the General Prefect of the same, and in the year 1880 it was established in Italy, according to the faculty granted by the Reverend Aloysius Marini from the town of Bassano-Veneto. The Apostolic Union, as it now exists, can be defined as: "An association of some priests of the same diocese, who, under the guidance of a Prefect chosen by themselves, observe a common rule, assisting each other, especially in the works of the sacred ministry and in sermons, striving to fulfill the spirit of their priestly vocation." Therefore, the purpose and benefits of this society are: to ensure that secular priests have a great share of religious assistance, to protect them from the idleness and dangers of solitude, to offer them a way of life that will preserve them in a corrupt and depraved world, to which they are called to heal; to join with other members of the clergy, thus creating a particular and stronger bond; and finally, to ensure that the priest has assistance in life and in death. The means to achieve this end are: a rule, monthly calendars, meetings, spiritual exercises, and a common house, where and by which these things can be done. In addition to the seven privileges mentioned above by Pius X, the following privileges and other spiritual benefits are enumerated: 1) the faculty of anticipating Matins and Lauds at any time of the year, from the second hour after midday; 2) the right to erect a Way of the Cross, with the permission of the local Ordinary; 3) the application of the indulgence of the Way of the Cross to the crosses; 4) the blessing and application of the indulgence of the Rosary of the Immaculate Conception; 5) the participation in the prayers, penances, and merits of many religious orders; 6) All members of the association perform prayers, mortifications, and good works, of which each participant is a sharer; 7) The priests celebrate Mass each year for all living and deceased members of the Apostolic Union, as well as another Mass for the members of their own region; 8) An indulgence of one hundred days, once a day, for reciting a special prayer of the Apostolic Union; 9) A plenary indulgence on the day of formal admission or profession. On these days, at the express will of the Supreme Pontiff, the Reverend John B. M. Menghini, General Procurator of the Roman circle, receives the names of those priests who wish to join the Apostolic Union. Finally, it should be noted that this circle is joined to the Society of Charity among priests, from which we hope to obtain abundant fruit in the Lord.

[*Latin ed. p. 596*]

§96 With diligent study, we have examined the documents. Therefore, it gives Us great joy to learn that the pious work called the Apostolic Union of Secular Priests, already established in Gallia since the year 1812, has, with the consent of the Bishops, spread to numerous dioceses throughout the entire Christian world, and is now flourishing in Gallia, Belgio, Anglia, Scotia, Hibernia, Germania, Helvetia, Italia, the United States of North America, the Canadian territory, South America, Australasia, and

Translated by churchlatin.ai, a product of Boyne Archives

even in certain regions of Asia, bearing abundant fruit in the field of piety and holiness. This Institute, of which We Ourselves were once members, and whose usefulness and excellence We have experienced, and of which We desire to be participants, even in Our Episcopal dignity, safeguards, strengthens, and unites the clergy by means of a uniform rule of life for all members, monthly meetings, spiritual discussions, the timely reporting of personal matters to their superiors, and other suitable works of charity. From this, arises a wonderful harmony among the members, mutual edification, a more sacred preservation of the spirit of their vocation, and, with the danger of solitude removed, many forces coalesce into one, so that each priest strives for the common good and perfection, and although, distracted by the various duties of his ministry, he may not always participate in the common fellowship, he nevertheless does not feel isolated from his family, nor does he lack the help and counsel of his brothers. Therefore, Our Predecessor, Pope Leo XIII, moved by the approval and recommendations of the Bishops, with Apostolic letters dated May 31st of the year 1880 (1), approved this fruitful Institute and followed it with the highest praise, and later, in the year 1887, appointed Cardinal Lucido Mariam, Archbishop of the Holy Roman Church, as the Protector of Parishes. We, remembering with what particular benefit, at this very time, such an Institute is to the Church of God, and knowing that the priests who belong to it are, above all, excellent men, readily and gladly grant the wishes of Our beloved sons, Victor Lebeurier, canon and archivist of Aurelianensis, and Our Domestic Prelate, the well-deserving founder and General Moderator of the Apostolic Union, who has now served for forty-two years, and for the good and growth of the Institute itself, We decree the following: (i) Cf. Acta S. Sedis, vol. XIII, p. 338.

[*Latin ed. p. 597*]

From the Brief Secretary, 597. And first, so that it may be clear to all what Our will is regarding the aforementioned Union, as a singular testimony of Our paternal affection for the same Institute, We Ourselves assume its patronage and reserve it to Ourselves. Furthermore, that the Priests admitted to the Apostolic Union may be strengthened by opportune spiritual graces and that the same singular benefits of indulgences may move others to give this salutary association its due name, We, confident in the mercy of Almighty God and by the authority of the Apostles SS. Peter and Paul, by Our Apostolic authority, grant perpetually and to all and each Priest dwelling throughout the lands, who now and in the future shall have bound themselves to this Apostolic Union, having first duly made their profession, as long as they persevere in it, that on each year, on the feasts of the Nativity of the Lord, the Circumcision, the Epiphany, the Pasch of the Resurrection, the Ascension, and the Most Holy Body and Blood of Our Lord Jesus Christ, as well as on the feasts of the Conception, Nativity,

Translated by churchlatin.ai, a product of Boyne Archives

Annunciation, Purification, and Assumption of the Blessed Virgin Mary Immaculate, and also on any feast day of the twelve Apostles, after having made their confession and having satisfied their penances, they may either celebrate Mass or attend the Holy Sacrifice, and also whenever they visit any church or public chapel, and there pour forth pious prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and that on such days they may do so, We mercifully grant them, in the Lord, a plenary indulgence for all their sins. Moreover, to those same Priests admitted to the Union, now and in the future, whenever they send to their respective Diocesan Superiors, according to the rules of the Institute, notice of their monthly period of absence, and with at least a contrite heart, they recite once to the mind of the Roman Pontiff the Our Father, the Angelic Salutation, and the Trisagion; or, likewise, with at least a contrite heart, they participate in the monthly communal prayer, in the usual form of the Church, We remit one hundred days from the number of their penal days. Also, We grant that even presbyters, who, although not enrolled in the Apostolic Union, celebrate their monthly absence together with their colleagues, may also enjoy this partial indulgence; finally, We grant that, if they wish, it may be permitted to all to expiate the penalties of their sins by means of these plenary and partial indulgences. We also grant the following to those now and in the future who are part of the Apostolic Union:

[*Latin ed. p. 598*]

598 FROM THE SECRETARY'S OFFICE OF BREVES to the Members of the Union: By Our authority, We decree that the Holy Sacrifice of the Mass shall be celebrated, for grave reasons, either before dawn; and We grant to these members the Apostolic privilege, so that whenever any of these members shall duly celebrate the Mass for the soul of any Christian faithful who, being joined to God in charity, has departed this life, at any altar of any church, that Holy Sacrifice shall, for the soul for whom it was celebrated, be efficacious each week, three times only, just as if it were celebrated at a privileged altar. Finally, We grant to the members themselves of the Apostolic Union, now and forever, wherever they may be on earth, the faculty, by these presents, with the consent of the local Ordinary in the place where they exercise this faculty, to bless, outside the city, crosses, crucifixes, sacred medals, prayer crowns, and small metallic statues of Our Lord Jesus Christ, of the Blessed Virgin Mary Immaculate, and of all the Saints, together with the application of all and each of the indulgences listed in the document published by the Holy Congregation of the Propagation of the Faith (1), on the 28th of August, in the year 1903, and, with regard to prayer crowns, without exception of the indulgences known as those of St. Bridget, in the usual form of the Church, publicly,

Translated by churchlatin.ai, a product of Boyne Archives

during missions and spiritual exercises, and at other times privately: and also, to the aforementioned members, preserving what must be preserved, We grant the faculty, by virtue of which, provided they are approved for giving sacred discourses, on the last day of the sacred discourses of Lent, Advent, Missions, and Spiritual Exercises, they may bless the Christian people with a crucifix and under a single sign of the Cross, according to the prescribed rite and formula, with the plenary indulgence added, so that the faithful of both sexes, who have been present for at least more than half of the days during which the aforementioned discourses have lasted, and who are truly penitent and have confessed and received Holy Communion, may devoutly visit the church or chapel in which the respective discourses were held on the same day, and there pray for the exaltation of Holy Mother Church, for the unity of the Christians, for the conversion of sinners, and for the extirpation of heresies, and may obtain the plenary indulgence and remission of all their sins. Notwithstanding Our regulations and those of the Apostolic Chancery regarding not granting indulgences in the manner of others (1).

(1) Cf. Acta S. Sedis, vol. XXXVI, page 125.

[*Latin ed. p. 599*]

FROM THE SECRET BREVIARY 599: By Apostolic Constitutions and Ordinances, and all other contrary things. We wish that to the transcripts or copies, even printed, of these present letters, signed by a public Notary and sealed with the seal of a person constituted in ecclesiastical dignity, the very same faith be given as would be given to the present letters themselves if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's ring, on the 28th of December, 1903, in the first year of Our Pontificate. L. f. & S. A. CARD. MACCHI. Indulgences are granted on the feast of St. Francis of Assisi. PIUS PP. X. For the perpetual memory of this matter. With the consent and votes of the General Ministers of the Order of the Friars Minor, so that the feast of St. Francis of Assisi may be celebrated throughout the world with greater spiritual benefit, trusting in the mercy of Almighty God and by the authority of the Most Blessed Apostles Peter and Paul, We mercifully grant to all and each Christian faithful of both sexes, who are truly penitent and have confessed, and who have received Holy Communion, that if they visit any church or public chapel anywhere in the world on the feast of St. Francis of Assisi, or on one of the seven days immediately following, choosing at their own discretion, and there offer prayers for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of Holy Mother Church, a plenary indulgence for all their sins and a remission thereof. Furthermore, to these faithful, if they are contrite at least in their hearts, We remit from the number of penal days three hundred, whenever they are present in any church, or public oratory, or in novena devotions, or in pious exercises

Translated by churchlatin.ai, a product of Boyne Archives

celebrated during the month in honor of St. Francis, in the usual form of the church. Finally, We grant to these same faithful, if they wish, that they may satisfy the debts and penalties of their sins by means of these plenary and partial indulgences through the works of their lives. Contrary things notwithstanding. Present.

[*Latin ed. p. 600*]

600 FROM THE SECRETARY OF BRIEF DOCUMENTS perpetually valid. But we decree that an authentic copy of the present document be transmitted to the Congregation for Sacred Relics and Indulgences! Otherwise, these present documents shall be null; and that to copies or transcripts of the present documents, even if printed, which are signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the very same faith be given as would be given to the present documents themselves if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 28th of February, 1904, in the first year of Our Pontificate. L. & S. For the Most Reverend Cardinal NICOLAUS MARINI, Substitute. An authentic copy of the present document has been transmitted to this Sacred Congregation for Sacred Relics and Indulgences. As a guarantee thereof, etc. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 11th of March, 1904. L. & S. IOSEPHUS M. Can. COSELLI, Substitute. An indulgence is granted to those who recite a certain prayer of temperance. PIUS PP. X For the perpetual memory of the matter. Whereas, as has been reported to Us by Our beloved son, Joseph Blasius Senden, Priest, in the diocese of Liège, a pious society has been established, with the support of the Bishop, whose members strive to promote abstinence from the excesses of drunkenness among the faithful, especially through the daily recitation of a pious prayer or supplication, by which they promise to observe this salutary abstinence; We, so that this practice may be more fruitful with greater spiritual benefit, and confident in the mercy of Almighty God and in the authority of the Blessed Apostles Peter and Paul, grant to all and each faithful of both sexes, living anywhere in the world, who—

[*Latin ed. p. 601*]

From the Brief Office, number 601, dated this day, with a contrite heart, in whatever language, provided the translation is faithful, those who devoutly recite the pious offering, which, according to the model approved by the Congregation of Sacred Rites and written in the Latin language, which We have ordered to be kept in the Tabula of the Brief Office of Our Secretariat, beginning with the words "Deus Pater meus" and ending with the words "ad gloriam tuam immolat in altari. Amen" (1), shall be released from three hundred days of penance, according to the custom of the Church. Furthermore, We grant to the same faithful, if they so desire,

Translated by churchlatin.ai, a product of Boyne Archives

permission to satisfy, by this partial indulgence, the defects and penalties of their life. Notwithstanding any contrary provisions. These present documents are valid in perpetuity. We decree that a certified copy of these present letters be transmitted to the Secretariat of the Congregation for Indulgences and Sacred Relics; and that, likewise, to these present copies, whether handwritten or printed, signed by a public notary and sealed with the seal of a person holding an ecclesiastical office, the same faith be given as would be given to the present documents themselves, if they were exhibited or shown. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the 29th day of March, in the year 1904, in the first year of Our Pontificate. L. 68 S. ALOISIUS Card. MACCHI. A certified copy of these present letters has been transmitted to this Secretariat of the Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given from the same Secretariat, on the 16th day of April, 1904. L. S. Jos. M. Can. COSELLI, Substitute. (I) The wording of this offering or supplication is as follows: Offering: "O my God and Father, in order to demonstrate my love for You, to repair Your outraged honor, and to obtain the salvation of souls, I firmly resolve this day neither to drink wine, nor beer, nor any intoxicating drink. I offer this mortification to You in union with the sacrifice of Your Son Jesus Christ, who daily offers Himself to You in the altar, ad gloriam tuam immolat in altari. Amen."

[*Latin ed. p. 602*]

602 FROM THE SECRETARY OF STATE: The Sodalitates iuvenum of Italiae encourage adherence to the Societas Iuventutis Catholicae Italicae. Most Illustrious Lord, In the brief period since the new Vicar of Christ has governed the affairs of the Church, numerous occasions have arisen which attest to the noble and commendable sentiments with which the Societas Iuventutis Catholicae Italiana is animated towards the venerable Person of His Holiness, and which simultaneously serve as a high demonstration of the Catholic activity displayed by all members in the various aspects of civil and religious life today. Such arguments of generous zeal and of comforting successes, having opened the mind of the Holy Father to a firm confidence regarding the future progress of the aforementioned association, have also made it clear to His Holiness how much greater the advancements of Italian youth organizations would become if all associations of young people were to unite in this center. For this reason, the Supreme Pontiff has deigned to entrust me with conveying to Your Illustrious Lordship His heartfelt desire that all other Catholic youth associations of Italiae, which are governed by different regulations and are divided among themselves, should come together in a single body and join this meritorious Societas Iuventutis Catholicae Italiana. In this way, a single and universal principle will guide the aforementioned Catholic institutions in the exercise of their activity, and in the same way that they will be able to participate in the many spir-

Translated by churchlatin.ai, a product of Boyne Archives

itual benefits granted to the Central Association, they will also be able to better adorn themselves with the particular merit of this Society, that is, to distinguish themselves in the most splendid way through the spirit of submission and unlimited obedience towards the Supreme Head of the Catholics. With the hope that, in deference to the aforementioned desire of the Holy Father, the circles and autonomous youth associations will enter as soon as possible into the great family of the Giov-

[*Latin ed. p. 603*]

FROM THE SECRETARY OF STATE, 605, Cattolica, Italy, I proceed to express my sentiments of distinct esteem. To Your Excellency, Rome, March 22, 1904. I remain, ready to serve, R. Card. MERRY DEL V A L. Mr. Cav. Paolo Pericoli, General President of the Italian Catholic Youth Society, Rome. Circular letters to all Bishops concerning the codification of Church laws. Most Reverend and Venerable Lord, It is with great pleasure that I write to Your Eminence, having received the letters recently published by the Most Blessed Father by his own authority concerning the codification of Church laws (1). In accordance with the third paragraph of said letters, the following Consultors, approved by the Cardinals and the Holy Father, residing in Rome, have been appointed, to which others will be added later: Albert Pillet. — Alexius Lepieier. — Aloysius Veccia. — Alphonsus Eschbach. — Bernardinus Klumper. — Caietanus De Lai. — Carolus Lombardi. — Franciscus Xav. Wernz. — Guillelmus Sebastianeiii. — Guillelmus Van Rossum. — Laurentius Janssens. — Maurus Kaiser. — Petrus Armengaudius Valenzuela. — Philippus Giustini. — Pius de Langogne. — Thomas Esser. — Vincentius Fernandez y Villa (2). (1) Cf. Acta S. Sedis, Vol. XXXVI, page 549. (2) To whom the following Consultors were subsequently added by the same Cardinal Commission: Most Reverend and Venerable Monsignors: Ioannes Befani, Ermetes Binzecher, Aloysius Budini, Petrus Checchi, Ioannes Costa, Ioannes de Montel, Orestes Giorgi, Ioseph Latini, Michael Lega, Evarislus Lucidi, Ioannes B. Lugari, Dominicus Mannaioli, Benedictus Melata, Ioseph Nervegna, Henricus M. Pezzani, Basilius Pompili, Augustus Sili. Reverend Fathers: Claudius Benedetti, Ianuarius Bucceroni, Marianus De Luca, Albertus Lepidi, Ioseph Noval, Benedictus Oietti, Dominicus Palmieri. Most Reverend Monsignor, Count Balthassar Capogrossi-Guarna.

[*Latin ed. p. 604*]

604 FROM THE SECRETARY OF STATE. Since, as stated in the fourth paragraph, it is the intention of His Holiness that the entire episcopate should cooperate and concur in this most important undertaking, which concerns the supreme good and benefit of the entire Catholic Church, the Most Blessed Father commands that each Archbishop, after consulting with his suffragans and other ordinaries who ought to attend the

Translated by churchlatin.ai, a product of Boyne Archives

Provincial Synod, should, as soon as possible, that is, within no more than four months from the receipt of these documents, report to this Holy See regarding whether and in what specific matters, according to their judgment and that of their colleagues, any amendment or modification is particularly needed in the existing canon law. Furthermore, the Supreme Pontiff grants to the bishops of individual nations the faculty to send to Rome, at their expense, one or another cleric distinguished by his knowledge of canon law and theology, chosen by those same bishops, who may be added to the group of Consultors. If they prefer, the bishops of individual nations may also designate one of those already elected by the Cardinals as Consultors, as mentioned above, and communicate their desires to him so that he may convey them to the group of Consultors; or even nominate someone from their own nation who, although residing outside the city, may render some assistance to the Consultors through correspondence. Therefore, in order that the commands of the Most Blessed Father may be fulfilled, each Archbishop should first confer with his suffragans and other ordinaries who ought to attend the Provincial Synod, and then with the other Archbishops of the same nation, so that the Holy See may be informed as quickly as possible regarding what has been decided in common on this matter. While I announce this to you, I testify to my most esteemed sentiments towards you, and I declare myself devoted to your Eminence in Rome, on this 25th day of March, 1904.

Most devotedly,

R. Card. MERRY DEL VAL.

[*Latin ed. p. 605*]

605. The Acts of the Roman Congregations concerning the Reception, Novitiates, and Professions of Members of the Third Order of Seraphim are validated and confirmed. Most Blessed Father, Brother Bonaventure Marrani, General Procurator of the Order of the Friars Minor, with the approval of the Supreme Superior of his Order, humbly prostrates himself before Your Holiness, and proceeds to explain as follows: Experience has shown the Orator that many of the vestments and professions of Brothers and Sisters of the Third Order of Saint Francis are invalid, either due to the lack of legitimate faculties in the priests who direct the congregations, or due to essential vices in those received into the Third Order for the habit and profession, or due to a deficiency in the material of the scapulars. Therefore, since it is difficult to renew so many professions of the Third Order, the aforementioned Orator earnestly implores Your Holiness to deign to abolish, with supreme authority, all those defects which, up to this day, substantially vitiate the admission to the habit and the novitiate and the profession of the members of the Third Order, and to validate and ratify all such receptions, novitiates, and professions of the Third Order, lest those who bear the name of the Third Order of Seraphim be unjustly deprived of

Translated by churchlatin.ai, a product of Boyne Archives

the spiritual benefits that result therefrom. — And God, etc. By virtue of special faculties granted by the Most Holy Lord, the Sacred Congregation of the Most Eminent and Reverend Cardinals, entrusted with the affairs and consultations of Bishops and Regular Canons, having considered the matters presented, validates all receptions, novitiates, and professions of members of the Third Order.

[*Latin ed. p. 606*]

606 FROM THE SUPREME COUNCIL OF BISHOPS AND REGULAR CANONS of the Third Secular Order, concerning its health and strengthening in all things, according to the petitions. Despite all opposing circumstances. Rome, 3rd of February, 1904. D. CARD. FERRATA, Prefect. L. * S. P. H. GIUSTINI, Secretary. CONCERNING THE ORDER OF THE BAREFOOT CARMELITES OF THE MOST HOLY TRINITY. The Carmelite Sisters of the Most Holy Trinity, who wear a blue habit externally and a white tunic with the scapular of the Order internally, may be admitted and aggregated to the Third Order of the Most Holy Trinity. Most Blessed Father, Father Stephen of the Most Sacred Heart of Mary, General Procurator of the Order of the Barefoot Carmelites, humbly prostrates himself before Your Holiness and states: The Institute of the Sisters of the Most Holy Trinity exists in Madrid, in Spain, whose purpose is to gather together young women immersed in vices, or certainly exposed to the great danger of falling into sin, and to instruct them in every way. They have taken their name from the aforementioned Order of the Most Holy Trinity, whose primary purpose was the redemption of captives, whose faith or morals were in danger. Therefore, since these sisters not only share the same name, but also a similar purpose as the aforementioned Order, they are most fitting to be aggregated to it. The Superiors of the Order are hesitant as to whether this is permissible for them, because the aforementioned Sisters wear a habit of blue color, and not the proper habit of the Order, which is white with a scapular, and marked with a red and blue cross. The Congregation of Bishops and Regular Canons, when considering the approval of their constitutions, ordered that they should use the habit of the Most Holy Trinity. But since these Sisters must often leave the house for the purpose of their Institute, and the proper habit of the Order easily attracts the attention of those nearby, they requested that the aforementioned Congregation grant them a dispensation in this matter. Having received the response: "With the permission of the Bishop, they may wear the blue habit, as before." The aforementioned Sisters, with the utmost insistence and repeatedly, request the aforementioned aggregation, promising that they will continuously wear the white tunic and scapular of the Order internally. Having stated this, the aforementioned Procurator earnestly requests

Translated by churchlatin.ai, a product of Boyne Archives

a solution to the following doubt:

[*Latin ed. p. 607*]

FROM THE HOLY GENERAL COUNCIL 607: Whether the aforementioned Sisters of the Trinity, wearing the blue habit externally, and the white tunic with the scapular of the Order internally, can be admitted and aggregated to the Third Order of the Most Holy Trinity by their Superiors; or whether it is absolutely necessary for this to be done lawfully, that at least at home they wear the proper habit of the Order, even externally. — And God, etc. The Holy Congregation of Bishops and Regulars of the Roman Curia, entrusted with the affairs and consultations of Cardinals, Bishops, and Regulars of the Holy Roman Church, having carefully considered all matters, decided that the proposed question should be answered as follows: "Affirmatively to the first part; regarding the second, provision is made in I." Rome, March 18, 1904. By order of D. CARD. FERRATA, Prefect. L. % S. PH. GIUSTINI, Secretary. FROM THE HOLY CONGREGATION OF THE COUNCIL (Version) concerning the Apostolic Visitation in Italy. 1°. The Apostolic Visitor, before setting out on his mission, shall swear before the Most Reverend Prefect or the Reverend Secretary of the Holy Congregation of the Council, to faithfully fulfill his duty and to maintain secrecy regarding all matters pertaining to the Apostolic Visitation, a secrecy which must be inviolably observed, in order to protect the full freedom of the Visitor and those who are being visited. 2°. It is absolutely forbidden for the Visitor, whether on his first arrival or during subsequent particular visitations, to be received with bells ringing or other external devices. His arrival shall be as private as possible. First of all, he shall go to the Ordinary to render him due obedience, and to present the credentials of his mission. 3°. The Ordinary shall take care to receive the Visitor with suitable hospitality. The Visitor's food shall always be simple and without any extraneous guests. 4°. He himself shall refuse any invitation to meals or receptions in his honor, as well as any gift, offered to him in any form or manner whatsoever; publicly declaring his oath regarding the fulfillment of his duty, and (1) The Italian text is found in the preceding volume of the Acts of the Holy See, page 563.

[*Latin ed. p. 608*]

608. EX S. C. CONCILII: Quod expressè intelligitur Visitatorium adstringere ad observantiam dispositionis huius articuli. 5°. Visitator nec habet, neque actus alicuius iurisdictionis exercebit, praeter illam quae necessaria est pro sua missione adimplenda, examinandi nempe res et homines, et examinatis iuramentum deferendi de veritate dicenda et de secreto servando. Quo tamen in agendo caveat ab omni auctoritatis ostentatione, sed potius studebit ut pietate, circumspectione ac modestia bono exemplo sit clero et christifidelibus quos viset. 6°. Habebit in primis

Translated by churchlatin.ai, a product of Boyne Archives

ab Ordinario notitiam omnium rerum quae pertinent ad generalem conditionem dioecesis, cleri, fidelium, Seminarii, religiosorum Institutorum sive virorum sive mulierum, operum piorum vel societatum catholicarum, tam quoad materialia quam quoad moralia. Deinde Ordinarius Visitatori dabit litteras, ut eius officium a clero et a christifidelibus dioeceseos recognoscatur. 7°. Visitatio erit localis, realis et personalis; et in illa personali, magis quam in aliis, secretum inviolabile servabitur cum a Visitatore tum ab illis qui visuntur, qui insuper iurabunt cum omnibus se esse illud observaturos. 8°. Viset in primis Curiam et Archivia, singillatim audiens Vicarium Generalem et alios officiales: videat utrum extet regularis status cleri, paroeciarum, quae sit taxa pro negotiis etc. - utrum ecclesiastica administratio iuxta S. Sedis normas vigeat; - utrum Archivia apte et ordinate custodiantur, iuxta regulas canonicas. 9°. Praecipua solertia et cura utetur in Seminario visendo, sive quoad temporalia, sive quoad studia, sive quoad alumnorum pietatem ; ideoque, praeter Moderatorem, Oeconomum et Deputatos, scholas viset et in privata audientia alumnos interroget, paterna cum bonitate eos examinans de eorum sententiis, studiis et propositis. 10. Viset et Cathedralem ecclesiam vel quoad temporalia vel quoad divinum cultum, nempe servitium chorale, animarum curam, si sit eidem adnexa, modum sacras peragendi functiones, cantum, paramenta et suppellectilia sacra. 11°. Viset inde alias quoque paroecias urbis, sive quoad temporalia sive quoad formalia, ut videat an et quomodo populus doceatur, quomodo tradatur doctrina christiana, pietas alatur, teneantur libri parochiales etc., et quod non fecerit in prima visitatione in subsequentibus faciet.

[*Latin ed. p. 609*]

FROM THE HOLY GENERAL COUNCIL, CANON 609, DECREE 12: In the same manner, he shall visit the parishes of the diocese, not only the more prominent ones, but also the humbler and poorer ones, so that he may have a perfect understanding of the state of the clergy and the faithful.

13°. If there is any notable sanctuary, he shall see how it is maintained, what offerings are made there, whether for Masses or for other purposes, and how these are administered.

14°. He shall also visit religious houses, both those of men and those of women, which are not exempt, leaving those which are visited by their own Superiors. He will examine how the rules are observed, and what fruits these houses bring forth through their works.

15°. In all these matters, he will strive to become more certain about the state of religion among the people: whether there is religious indifference; the frequency of the sacraments; whether external pomp is preferred to the cultivation of spiritual devotion and the observance of ecclesiastical laws; whether vices and corrupt habits prevail, especially concerning blasphemies, bad morals, and intemperance; whether irreligious publications

Translated by churchlatin.ai, a product of Boyne Archives

are spread, and what resistance there is to them, and what fruit good publications bear. Whether there are confraternities or pious societies, and what fruits are derived from them to maintain the people in faith and piety.

16°. Every day, he shall provide a brief and thoughtful account of all matters, noting not only the bad, but also the good, so that the Holy See may be completely informed. As for secret matters and matters of conscience, he shall take care that, if anything is omitted, it is not misinterpreted and does not cause harm. But especially from the very beginning of his mission, and afterwards daily, the Visitor shall commend himself wholeheartedly to the Lord and to the titular angels of the diocese being visited, so that he may obtain light and assistance in the important office he performs, and so that this may redound to the glory of God and the salvation of souls, according to the purpose for which it was instituted.

Rome, March 7, 1904.

VINCENTIUS CARD. EPISC. PRAENESTINUS, Prefect.

L. © S. C. DE L A I, Secretary.

«at^tt, Acts, Vol. XXXVI. page CDXXX. 39

[*Latin ed. p. 610*]

610 FROM THE PROCEEDINGS OF THE HOLY CONGREGATION CONCERNING THE CAUSE OF VITERBO. DECREE OF GRACE. December 19, 1903. Statement of Facts. In the month of March of the past year, the priest Angelus Franciosoni of the town of Vetralla presented the following petition to this Holy Congregation: "Having devoted fifty years to choral service with great diligence in the Collegiate Church of Saint Andrew the Apostle, and considering his advancing age, especially in view of the diseased condition of his throat, by which he, as evidenced by numerous medical attestations, is prevented from singing and chanting in the choir, he humbly requests that this Holy Office grant him a dispensation from choral service." These petitions were forwarded to the Bishop of Viterbo, who was instructed to investigate the matter after consulting with the Chapter, to examine the records of attendance, and to report on the continuous and commendable service of forty years rendered by the aforementioned priest, as well as to determine whether the granting of the requested dispensation would cause a serious detriment to the choral service, and furthermore, to ascertain the sentiments of the priest himself. Indeed, the Bishop, in his letter dated July 1, 1903, declared that the requested dispensation from service should not be granted to Canon Franciosoni, because the choral service would be entirely lost. For there are only six canons, among whom two have rendered a more commendable and longer service than the aforementioned priest, and who, moreover, suffer from more serious ailments. The Bishop's opinion is in accordance with the opinion of the Collegiate Church of

Translated by churchlatin.ai, a product of Boyne Archives

Vetralla, which, although admitting that at other times and under other circumstances the requested dispensation could be granted to Canon Franciosoni, nevertheless maintains that it should be denied to him at this time.

[*Latin ed. p. 611*]

VITERBO. 611. Either because a grave detriment would be caused to the choir, or also because, on feast days, the Masses, established at fixed hours for the benefit of the faithful, would be lacking, celebrated by the Chapter. Favorable Considerations. Although the sacred canons do not establish anything regarding the granting of a leave of absence to those canon regulars who have served for a continuous and praiseworthy period of 40 years, nevertheless, through the Church's benignity and a certain equity, a custom has arisen, following the example of veteran soldiers, as demonstrated by the law *De muneribus, ff. de vacat, et excus.*, that this exemption and leave of absence should also be granted in the ecclesiastical militia to those beneficed individuals who have served the Church continuously and praiseworthily for 40 years. *Gardas, de benef. p. 3 cap. 2 num. 134; Bened. XIV, de Synod, dioec. lib. 13 cap. 9.* The Sacred Congregation *in Maceratensis* granted a leave of absence on May 8, 1698; in Constantinople, on May 4, 1737, and especially in the *Dubia lubilationum*, on September 24 and December 17, 1718, which were presented for judgment to the Most Holy Order by the venerable Benedict XIV, while he held the office of Secretary, and in numerous other decisions. Indeed, as the same Pontiff rightly observes in *Synod, dioecesis, l.c. n. 15*, "if the daily and uninterrupted service of the choir is considered laborious and burdensome by all men, it is certainly much more grievous and troublesome to see, as long as you live, no end to the service, however long the course of years, with diligence and praiseworthiness." Another reason, according to Fagnanus in chapter *Licet de probat, n. 166*, "is that canon regulars and beneficed individuals would be more eager to perform service to the Church, in the hope of immunity from service and the enjoyment of all revenues." Indeed, although the informative letters of the Bishop of Viterbo contain nothing regarding the praiseworthy and continuous forty-year choral service rendered by the canon Franciosoni, nevertheless, it would seem that this could be clearly deduced from the words cited above of the Collegiate Church of Vetralla, which stated: "at other times..."

[*Latin ed. p. 612*]

612 "From the Most Holy Council and other circumstances, it can be granted to Franciosoni the requested jubilation": these words clearly indicate that Franciosoni, even beyond the prescribed time, was granted the opportunity to receive the jubilation by serving in the choir, or for 50 years, as he himself confesses in the aforementioned petition. The dissent of the

Translated by churchlatin.ai, a product of Boyne Archives

Chapter does not constitute an obstacle; although it is customary for the Chapter to be heard in such grants, and for it to provide testimony regarding the commendable service rendered, there are examples, as mentioned in the "Sutri-Jubilationes," September 22, 1855, in which the Holy Congregation granted the jubilation to deserving members of the Church who had completed 40 years of service, notwithstanding the contrary resolution of the Chapter. To omit other decisions relevant to the matter, it will suffice to refer to the most recent resolution in the "Anagni-Jubilationes," February 28, 1903 (cf. Acta S. Sedis Vol. 35, page 484), according to which the grace of the jubilation was granted to the prelate Taggi, notwithstanding the contrary vote of the Chapter. A greater and more serious difficulty seems to lie in the objection raised by the Bishop and Chapter of Vetralla, namely, the serious harm that the choir would suffer from the granting of this grace. In the aforementioned case concerning the "Dubia Jubilationum" of September 24 and December 17, 1718, among other questions, this one was debated: "Should the jubilation be granted to those who have served for a period of 40 years, notwithstanding the small number of others who remain devoted to the service of the Church?" And the Holy Congregation considered it appropriate to respond: "A decision will be made in particular cases." From this resolution, it seems that it can be inferred that not every harm prevents the granting of the grace, but rather the gravity of the harm must be considered in light of various circumstances. The Chapter of Vetralla objected that, by granting the Orator's request, the service of the choir in the collegiate church would cease, and that the Holy Masses scheduled for feast days, the celebration of which is the responsibility of the Chapter, would be lacking. However, the canon Franciosoni countered this objection, noting that "he himself can provide no relief to the choir, either due to his advancing age or, especially, due to his throat ailment; and furthermore, that..."

[*Latin ed. p. 613*]

VITERBO. 615. It is desired that a canon be annually burdened with only three Masses, although a substantial alms is stipulated. Furthermore, in Ripatransone, on the 29th of November, 1710, this grace was granted to Canon Cruciani Concetti, although it was objected that, since altar ministers, another canon playing the organ, and a prefect receiving confessions are required, only three canons could participate. In Civita Castellana, on July 15th, 1820, regarding the question: "Should the grace of *Iubilatio* be granted to Canon Ercoli in this case?" the response was: "Affirmatively, saving the right of the Bishop to recall him to service in cases of urgent necessity; notwithstanding the opposition of the Chapter of Vallerano, because 'thus the choral service would disappear.'" The same grace was granted in Sutri on February 21st, 1824, notwithstanding the dissent of both the Chapter and the Bishop, because only three canons would re-

Translated by churchlatin.ai, a product of Boyne Archives

main to serve the choir; it can also be granted for other reasons, as in Città della Pieve on November 21st, 1782; in Fermo on April 9th, 1859, and as mentioned above in Anagni.

Observations to the contrary: It is noted that the grace of *Iubilatio* is not granted when it would lead to a serious detriment to the choir and the divine service, as held by the Holy Congregation in Brictiorien, on May 12th, 1792. The serious damage that would result from granting this grace is evident, not only to the Chapter, but also to the Bishop of Viterbo, who, for this very reason, vehemently opposed the request of the Orator. However, since the infirmity of Canon Franciosoni could not be denied, although sworn medical attestations were not presented, his prayers could be heard by granting him the dispensation from the choir during his infirmity: and this is not lacking in the practice of the Holy Office, as can be read in one document from Urbino, *Indulti*, September 18th, 1802, in which, regarding the question: "Should the grace of *Iubilatio* be granted in this case, and how?" the response was: "Negatively, but..."

[*Latin ed. p. 614*]

614 FROM THE HOLY GENERAL COUNCIL, concerning the dispensation from the choir during times of infirmity. A similar decision was issued in Fermo, in the Jubilee year, on September 15, 1862. After duly examining the requests of the petitioners, the Most Reverend Fathers gave this response: "Regarding the granting of the jubilee, with the usual conditions, and with the obligation of attending Mass being maintained." I. The Sacred Canons do not establish anything concerning the granting of a dispensation from the choir to those who have earned the jubilee. However, out of the kindness of the Church and from a certain equity of law, it has become customary to grant an exemption from the choir to those who have served a particular church for 40 years continuously and laudably. This has been introduced for two reasons in particular: either because the service of the choir is inherently burdensome, and would become even more burdensome if it had no end; or because canons, eager to fulfill their duties, are more zealous in striving to earn the jubilee. II. In this matter, the opinion of the Bishop and the Chapter is usually sought, not as a decisive ruling, but merely as an advisory one, so that the truth of the matter may be better understood. Therefore, it often happens that the jubilee is granted to someone, even if the Bishop and the Chapter disagree. III. There is no fixed rule regarding the granting or denial of the jubilee in the case where the number of canons is small, for the Holy Congregation has responded to inquiries on this matter: "A decision will be given in particular cases." Therefore, sometimes the jubilee has been denied due to the serious harm that would result to the chanting, and sometimes it has been granted, even if only three canons remained to serve in the choir. IV. In every case, even if the granting of the jubilee is not expressly stated, the power to revoke the

Translated by churchlatin.ai, a product of Boyne Archives

dispensation to serve in the choir always remains with the Bishop, in cases of urgent necessity. Furthermore, additional stipulations can be added to ensure that the dispensation has other limitations, e.g., absence from...

[*Latin ed. p. 615*]

VITERBO. 615. If, during infirmity, or if it serves more solemnly, [a choir may be excused]. V. The obligation of celebrating Masses in turn is an accessory and dependent on the service of the choir; therefore, a cleric excused from the choir's service is also excused from such Masses by himself, because it is proper for the accessory nature to follow the principal. V I. In the case of Canon Franciosoni, an indulgence of jubilation, or a reward, was granted for more than forty years of commendable service, or also on account of advancing age, and especially on account of a throat ailment; but the obligation of celebrating Masses in turn was expressly preserved. SUMMARY OF CAUSES. On March 23, 1904, the Sacred Congregation was held in the Apostolic Palace at the Vatican, in which, among other things, the following causes were proposed, to be discussed according to the custom of the same Sacred Congregation; and which were resolved as follows: I. AGRIGENTO - MARRIAGE. R. Negatively, the obligation of the husband remaining as it is and to the extent that it is by law. II. JANUA - NULLITY OF MARRIAGE. R. Affirmative. III. PACTENS - NULLITY OF MARRIAGE. (Under seal). R. Affirmative, with prior correction of the acts, forbidding Carmela from entering into other marriages, and it shall be written to the Episcopal Curia according to the intention. IV. PARISIAN - DISPENSATION OF MARRIAGE. (Under seal). R. Affirmative. V. PALERMO - NULLITY OF MARRIAGE. R. Changing the doubt "Whether there is a nullity of marriage in this case," Affirmative, with prior correction of the acts, made with the spoken word.

[*Latin ed. p. 616*]

616 FROM THE SACRED CONGREGATION FOR RITES, according to its intention, and it should also be written according to the intention of the Archdiocesan Curia. VI. TURIN. - DISPENSATION FOR MARRIAGE. (Under seal). R. Preliminary affirmative response, for caution, and it should be written to the Archdiocesan Curia according to its intention. VII. WARSAW. - DISPENSATION FOR MARRIAGE. (Under seal). R. Affirmative. VIII. ZAGREB. - DISPENSATION FOR MARRIAGE. R. Affirmative. REGARDING THE RITES OF SAINT MARK AND BISIGNANO: Particular feasts, whether of the Lord, the Blessed Virgin Mary, or the Saints, which are assigned to Sundays, are to be omitted, unless a special privilege exists; however, particular feasts that are obligatory, as well as universal feasts, enjoy the privilege of being transferred. The current editor of the Calendar for the dioceses united equally with Saint Mark and Bisignano, with the approval of his Most Reverend Bishop, humbly requested from the Congrega-

Translated by churchlatin.ai, a product of Boyne Archives

tion for Rites a suitable solution to the following questions: The dedication of the Cathedral Church of Saint Mark was assigned to the third Sunday of May; but according to various decrees, feasts assigned to Sundays cannot be transferred if they are impeded, the question arises: I. Does Decree 2417 of the Order of Discalced Carmelites, dated January 29, 1752, regarding the feast of the dedication of the Cathedral Church, which, although assigned to a Sunday, if impeded, is transferred to the first free day, still hold? (1) The Sacred Congregation for Rites, regarding Question II: "Since in all the dioceses of the Kingdom of Poland and the Grand Duchy of Lithuania, the Office of Dedication of the Cathedral Church is permanently assigned to a Sunday, and is recited annually on that Sunday; whether, should it ever happen that, among Religious, another feast of higher rank or dignity occurs on that Sunday, the aforementioned Office of Dedication of the Cathedral Church should be transferred by those Religious to another day that is not impeded, even beyond two weeks, or should it be omitted?" it considered that the following should be answered: "The Office is to be transferred to the first day that is not impeded."

[*Latin ed. p. 617*]

FROM THE SACRED RITUAL, 617 II. And concerning what is affirmative: Should the prohibition of translation to other days of devotion be understood to apply only to the proper Offices of the Blessed Virgin Mary, assigned to certain Sundays, or also to the feasts of the Lord? III. And concerning what is negative regarding II: Should the feast of the Holy Family, assigned to the third Sunday after Epiphany, when impeded, be able to be transferred to the first day of devotion, according to the rubrics? I.V. Should primary and secondary feasts of the Saints, affixed to Sundays, when impeded, be omitted, or should they be transferred according to the rubrics and decrees? And the Sacred Congregation, after considering the report of the undersigned Secretary, and after a careful vote of the Liturgical Commission, decided that the following should be answered: To I, "Affirmative." To II, "Negative regarding the first part, affirmative regarding the second, with the exception of any special privilege." To III, "As provided in the preceding." To IV, "Affirmative regarding the first part if they are particular, with the exception of any special privilege; negative regarding the second." And thus it was written and declared (1). On July 17, 1903. S. CARD. CRETONI, Prefect. L. ® S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) Offices affixed to Sundays or even weekdays, and granted to a particular church, cannot in any way be transferred according to decree 3531, paragraph 1, but when they are accidentally or permanently impeded, they must be entirely omitted. This is verified regarding feasts, whether of the Lord, or of the Blessed Virgin Mary, or of the Saints, as is evident from numerous decrees. Hence, the feast of the Holy Family, assigned to the third Sunday after Epiphany, in the case of impediment,

Translated by churchlatin.ai, a product of Boyne Archives

whether accidental or permanent, must be omitted, because it is a particular feast granted to Rome and other places; with the exception, however, of any special privilege, such as that granted to the clergy of the City and its district. On the contrary, Offices granted to the entire Church, even if assigned to Sundays or even weekdays, as well as particular feasts granted not with facultative words but with prescriptive ones, or commanded by the rubrics, enjoy the privilege of translation. Therefore, the feast of the dedication of the cathedral church, even if assigned to a Sunday, if impeded, is transferred to the first day of devotion, according to the rubrics, because it is a feast prescribed by the rubrics, although it is particular to the church.

[*Latin ed. p. 618*]

618 FROM THE CONSTITUTION OF THE SOCIETY OF SAINT MARY THE REDEEMER: A proper Mass for the feast of the Blessed Virgin Mary, Redeemer, is granted for the churches of this Institute. The highest authorities of the Institute, or of the Society of Saint Mary the Redeemer, humbly imploring all the Sisters to offer their vows, requested the Most Holy Pope Pius X, through fervent prayers, that He would deign to approve, with His supreme authority, a proper Mass for the feast of the Blessed Virgin Mary, Redeemer, to be celebrated annually in the churches and chapels of the aforementioned Society, according to the double rite of the first class, with the Octave, as is desired. Wherefore, the presented draft of such a Mass was proposed by the Most Eminent and Reverend Lord Cardinal Dominic Ferrata, the Relator, at the Ordinary Congregations of the Sacred Rites, held on the designated day in Vatican. After mature deliberation, and after hearing the Reverend Father Alexander Verde, Promoter of the Faith, the Most Eminent and Reverend Fathers entrusted with the preservation of the Sacred Rites judged it fitting to write: "For the sake of expediency, and to the Most Eminent Prelate, together with the Promoter of the Faith." On December 1, 1903. Finally, all of these matters were presented to the Most Holy Pope Pius X by the undersigned Secretary of the Congregation of Sacred Rites. His Holiness, considering the judgment of His Sacred Council to be ratified, has deigned to benignly approve the aforementioned Mass of the Blessed Virgin Mary, Redeemer, revised and amended, as is indicated in the preceding Decree, to be used in all the churches and chapels of the aforementioned Society, called "Mary the Redeemer," on the feast of the Blessed Virgin Mary, Redeemer; however, He has granted an indulgence that it be celebrated only with the double rite of the second class, without the Octave, in the same churches and chapels, observing the rubrics. In derogation of any contrary norms whatsoever. On the 9th day of the same month and year. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Arch-

Translated by churchlatin.ai, a product of Boyne Archives

bishop of Laodicea, Secretary.

[*Latin ed. p. 619*]

FROM THE SACRED RITUALS, 619, STRIGONIENSIS, OR CASSOVIENSIS. Decree concerning the Beatification, or declaration of martyrdom, of the Venerable Servants of God, Mark Crisinus, a canon of Strigoniensis, Stephen Pongracz, and Melchior Grodecz, priests of the Society of Jesus. CONCERNING THE DOUBT: "Whether, with the approval of the martyrdom and the signs and miracles of the cause of martyrdom illuminated and confirmed by God, it is possible to proceed safely to the solemn Beatification of the Venerable Servants of God." The Redeemer, Jesus Christ, who, entrusting the mission to the Apostles of procuring the salvation of men, said: "Behold, I send you forth as sheep in the midst of wolves," while openly foretelling what is to be expected from those who come in sheep's clothing, that they may devour and destroy and scatter the flock, plainly teaches what are the duties of a good shepherd, with what care the flock, redeemed at the price of the divine blood, ought to be guarded, with what eagerness dangers should be faced, and even death itself, for such a cause: "I am the good shepherd. The good shepherd giveth his life for his sheep." John 10:11. Obeying this voice, from the very beginnings of the Church to this day, countless numbers have arisen from among those whom the world detests. These, "made all things new" through Christ, stripped, oppressed, and exhausted, bravely resisted the efforts of wickedness, bringing all their strength to bear in defending the faith, which they finally confirmed with their own blood. This glorious company is increased by three valiant men: Mark Crisinus, a canon of Strigoniensis, born in Crisii, in the city of Croatia, in the year, as is believed, 1580, and with him, Stephen Pongraczius, a Hungarian, and Melchior Grodecz, a Silesian, both members of the Society of Jesus, who had earned such merit and were subjected to so many false accusations. Sad days were afflicting the city of Cassoviensis and the entire surrounding area in the 17th century, due to a devastating war, which, first stirred up by Bohemian rebels, also invaded Hungary. In the midst of this turmoil, error spread unchecked, and the Catholic churches were occupied by followers of the wicked faction, so that the state of religion had become, truly, "an abomination of desolation in the holy place." In the midst of these troubles, the Venerable Servants of God bravely presented themselves, who, it so happened, were not far from Cas-

[*Latin ed. p. 620*]

620 FROM THE SACRED RITUAL: Those living according to the spirit of the Apostles, for the sake of the apostolic ministry, as soon as they perceived that grave danger threatened this city, although fully aware of the torments that the barbarians prepared for them, they

Translated by churchlatin.ai, a product of Boyne Archives

immediately hastened there. There, they were apprehended and subjected to questioning about their faith, with threats and even enticements being employed, in order, if possible, to induce them to renounce the Catholic religion. But when these most valiant soldiers of Christ remained steadfast in their faith, and declared that they were ready to give their lives willingly for the flock, they so inflamed the wrath of the impious that they spared no form of cruelty in preparing their destruction. Thus, after being starved for three days, they were stripped naked, beaten, dragged, blasphemed, and tortured with fiery catapults; they were struck with burning irons, so that their flesh was consumed and their bones and entrails were exposed; Mark and Melchior had their heads cut off and, along with their bodies, were thrown into the sewer, together with the half-dead Stephen, who lay for nearly twenty hours in that foul stench and excruciating pain, before drawing his last breath. The martyrdom of these men, which occurred on the eve of the Nativity of the Blessed Virgin, in the year 1619, became widely known and was illuminated by remarkable signs. Pope Pius X, after consultation with the Sacred Congregations, on the eighth day before the Kalends of January of this year, 1904, decreed that this martyrdom, and the signs that confirmed it, were established (1). Only one thing remained to be investigated: whether the honors of the blessed could be granted to these aforementioned martyrs. Therefore, in a general meeting held before the Most Holy Lord, on the seventh day before the Kalends of this month, when the Most Reverend Cardinal Andreas Steinhuber, as Relator of the cause, proposed the question: "Now that the martyrdom has been approved, and the signs and miracles of the cause of martyrdom have been illuminated and confirmed by God, can the solemn beatification of these Venerable Servants of God proceed?" the Most Reverend Cardinals and Fathers Consultors presented their individual opinions; but the Most Holy Lord postponed His solemn judgment on this matter to another day. Today, however, on the First Sunday of Lent, the same Most Holy Lord, having entered the most noble hall of the Vatican Basilica, and seated on the pontifical throne, ordered the Most Reverend Cardinals Seraphinus Cretoni (of the Sacred Congregation) to be summoned.

[*Latin ed. p. 621*]

From the Sacred Congregation of Rites, number 621, the Prefect, and in his place and stead, Aloysius Tripepi, of the Sacred Roman College, Pro-Prefect, and Andreas Steinhuber, as Relator for the cause, together with Reverend Father Alexander Verde, Promoter of the Holy Faith, and myself, as Secretary, with those present, by a solemn decree, decreed: "That it is permissible to proceed to the solemn beatification of the Venerable Servants of God, Mark Crisini, Stephen Pongracz, and Melchior Grodecz." Furthermore, it was ordered that this decree be made public and recorded in the acts of the Sacred Roman and College, and that Apostolic letters,

Translated by churchlatin.ai, a product of Boyne Archives

in the form of a Brief for the beatification, be issued whenever it is to be celebrated, on the tenth day before the Kalends of March, in the year 1834. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary.

Decree of Beatification and Canonization of the Venerable Servant of God, John Baptist Vianney, Parish Priest of the Village of Ars.

ON THE QUESTION: "Whether and concerning which miracles there is evidence in the case and to the effect of what is being considered."

That great Gregory, writing on pastoral office, affirmed: "The art of arts is the governance of souls," which is always and everywhere, but especially in times of corrupt morals and customs of the people, confirmed. For, the more numerous and grievous the wounds of a sick society are, the more difficult the cure is, and the more skilled the physician's hand is required. However, at such times, divine Providence often raises up a faithful priest and entrusts him with the task of restoring his people, as it did in the time of Jeremiah: "Lo, I have set thee this day over the nations, and over kingdoms, to root up, and to pull down, and to waste, and to destroy, and to build, and to plant." (Jeremiah 1:10). This fate befell France at the beginning of the last century, through the ministry of a man whose usefulness did not remain confined to his village, but was extended to the ends of the nation. The Venerable Servant of God, John Baptist Vianney, known by the title of his office, which he fulfilled most sanctly, and by which he is commonly called "the Parish Priest of the Village of Ars," was entrusted with the care of a paternal flock, to which...

[*Latin ed. p. 622*]

622 FROM THE LIFE: As a boy, he was devoted to the service of the sacred ministry, divinely called to this vocation. Through the innocence of his life and the example of all virtues, he fulfilled, and even surpassed, the expectations and hopes of the pious priest who had taken him under his care. He came to Vici, not "in the sublimity of speech or wisdom," but "in the goodness and alacrity of his soul" (2 Corinthians 1:5; Ecclesiasticus 45:29). Through this true charity, he became "To the weak I became weak, that I might gain the weak. I became all things to all men, that I might save all." (1 Corinthians 9:22), and it was soon accomplished that Vici became not only a dwelling place for prayer and a gymnasium for Christian virtues, but also a refuge for the poor, a hospital for the sick, and a source of providence for the entire region. Furthermore, he established, under the name of Providence, a home for girls from infancy, a model for popular education. Moreover, through constant preaching, fervent prayer, fasting, vigils, and self-denial, spending almost every day and a considerable portion of the night with penitents, he earned the grace that "Praising God and having favour with all the people. And the Lord increased daily together such as should be saved." (Acts 2:47). From this point on,

Translated by churchlatin.ai, a product of Boyne Archives

his life began to appear more and more wondrous, and the fame of his name spread widely, attracting people of all conditions, not only from the provinces of France, but also from Belgium, England, and Germany; and this continued, not intermittently, but for more than twenty years. People were also drawn to visit him, eager to see the man endowed with heavenly gifts, who could probe the deepest recesses of the soul and foretell the future; and even during his lifetime, many miracles were attributed to him. This fame of sanctity and miracles, increased day by day after his precious death, which occurred on the eve of the Kalends of June in the year 1859, caused it to be that scarcely five years later, the cause of John Vianney was presented to the Congregation of Rites. After the recent decree of approval of virtues issued by the Most Holy Pope Leo XIII, of blessed memory, on the 7th of August in the year 1895, concerning two miracles that were said to have been obtained through the intercession of the Venerable Servant of God, a thorough investigation was carried out, and the judicial records were examined and approved by the Congregation of Rites. The first of these occurred in the town of Saint-Laurent-le-Maçon, in the year 1852. Claudius Leo Roussat, a boy of six years, afflicted with a comitial disease, with affected and convulsed nerves, paralyzed limbs, and loss of speech, was living a miserable existence, and had become so weak that he could not even retain saliva. After various remedies had been tried in vain, and the force of the disease increased daily, the doctors had given up all hope of the sick boy's recovery.

[*Latin ed. p. 623*]

From the Sacred Ritual, number 625, there were present. Then, the parents brought the child to the tomb of Saint John Vianney, so that they might implore the Venerable Servant of God through novena prayers. When the child, afflicted with paralysis, reached out his hand towards the tomb, the healing began immediately; for with that very hand, the child first offered an alms to a poor person, then he lit a sulfur candle, and soon afterwards he ran freely about the house; finally, after the novena was completed, he regained the full use of his speech and his former health. Another miracle occurred in the year 1862, in Lyons, at the orphanage of the Congregation of Saint John, where a girl named Adelais Joly, who was nine years old, was struck against a wall and suffered a white swelling on her left arm. When the doctors, having given up hope of a cure, applied a plaster of Saint John Vianney's shoes to the patient's arm, during the novena prayers, the healing was immediate and so complete that there were no traces of the disease remaining. An investigation was instituted regarding both miracles, and the Apostolic records were completed, and their validity was recognized and approved. Then, the cause was initiated, first in the preparatory congregation, in the halls of the Most Reverend Cardinal Lucido M. Parocchi, on the twelfth day before the Kalends of January, in the year 1902; then, in the

Translated by churchlatin.ai, a product of Boyne Archives

congregation preparing for the Apostolic Palace at the Vatican, on the thirteenth day before the Kalends of March of the following year; and finally, in a congregation assembled before the Most Holy Pope Pius X, on the seventh day before the Kalends of February of the same year; in that congregation, the Most Reverend Cardinal Franciscus Desideratus Mathieu, having been appointed as the Relator of the cause, having taken the Most Reverend Cardinal Lucido M. Parocchi alive, proposed the question: "Concerning which miracles does it consist, and to what effect does this pertain?" The Most Holy Father received the votes of the Consultors and Cardinals, but did not decide anything, so that time would be available for imploring divine assistance in this important matter. Finally, on this present day, the First Sunday of Lent, the same Most Holy Father, having entered the noble hall of the Vatican, having made his way to the domestic chapel, and having sat upon the pontifical throne, ordered that the Most Reverend Cardinals Seraphinus Cretoni, Prefect of the Sacred Congregation, and Aloysius Tripepi, his Pro-Prefect, and Franciscus Desideratus Mathieu, the Relator of the cause, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, the undersigned Secretary, be summoned and stand before Him, and, in their presence, He solemnly decreed: "It is established that there are two miracles; concerning the first: the instantaneous and perfect healing of the boy Claudius Leonis Roussat from a very serious illness..."

[*Latin ed. p. 624*]

624 FROM the Sacred Congregation of Rites: Concerning one matter: Regarding the instantaneous and complete healing of the adolescent Adelaïde Joly, afflicted with a white tumor in her left arm. This decree was published for the common good and ordered to be recorded in the acts of the Most Holy Congregation of Rites on the tenth day of March, in the year 1904. S. CARDINAL CRETONI, Prefect. L. & S. f D. PANICI, Archbishop of Laodicea, Secretary. It is not permitted to wear canonical attire when administering the sacraments or when attending to the deceased. The present Canon Coadjutor of the Cathedral of Clusina, solemnly administering Baptism in that same church, follows this custom: if the son of a wealthy man is to be baptized, he puts on the rochet, stole, and cope, and erects an altar near the baptismal font; on the contrary, if the son of a poor man is to be baptized, he does not erect an altar, nor does he wear the cope, but only the canonical vestment and stole. Regarding this, the Sacred Congregation of Rites inquired: I. Whether this custom or manner of acting is to be approved, or at least tolerated? II. Whether the same Canon Coadjutor, because he is a Canon, may wear canonical attire when administering the sacraments and when attending to the deceased, even though the Roman Ritual prescribes the superpellice and stole? Furthermore, the Sacred Congregation of Rites, after receiving the report of the

Translated by churchlatin.ai, a product of Boyne Archives

aforementioned Secretary, and after carefully considering the opinion of the Liturgical Commission, responded as follows: To I. Negatively, to both; the Roman Ritual must be observed. To II. The Decrees Nos. 2684, Pisa, 12 November 1831; XXII, No. 3556, Laodicea, 25 September 1382; and the General Decree No. 3784, dated 12 July 1892, must be observed. And thus it responded. On 12 March 1904. S. CARDINAL CRETONI, Prefect. L. & S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) The Roman Ritual, as is well known to all, prescribes the use of the superpellice and stole in the preparation and administration of the sacraments, retaining, however...

[*Latin ed. p. 625*]

625 FROM THE SACRED ORDER OF THE DISCALCED CARMELITES IN LATIN AMERICA: Regular members, possessing their own calendar, are not obligated to observe the feasts of the Blessed Virgin of Guadalupe and of Saint Turibius, unless they have previously accepted them. The Reverend Father Remigius of the Most Holy Trinity, Prior of the Discalced Carmelite convent of Havana, with the consent of his Reverend General Procurator, humbly proposed the following question to the Sacred Congregation of Rites: In the year 1900, the Apostolic See extended to all of Latin America the feasts, with their proper offices and Masses, of the Blessed Virgin of Guadalupe, under the rite of the second class, and of Saint Turibius, Archbishop of Lima, under the rite of the second class (1). Now the question is asked: Are all Regular members in Latin America, living and using their own calendar, obligated to observe the aforementioned feasts, and to perform the offices and Masses of the Blessed Virgin of Guadalupe and of Saint Turibius? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, the careful opinion of the Liturgical Commission, and after careful deliberation, has decided to respond as follows: The decrees of the Sacred Congregation are to be observed, especially Decree No. 3147 of Padua, April 28, 1866 (2), and Decree No. 3727 of the Order of Saint Benedict, May 10, 1890 (3), concerning the custom regarding the sacrament of penance. Furthermore, the following general rule is derived from the aforementioned decrees: In the administration of all sacraments and sacramentals, as well as in processions and funeral ceremonies, both in their own and in other churches, the alb and stole must always be used by all; the use of the cape, mozzetta, or cap is absolutely forbidden, notwithstanding any contrary custom. Nevertheless, those who enjoy the privilege of the rocchetto are permitted to retain it, but only in their own church, with the privilege reserved, provided that they wear the alb and stole over it. Therefore, the practice of using a raincoat and erecting an altar when baptizing the son of a wealthy man is to be strongly condemned. (1) Cf. Acta S. Sedis, vol. XXXII, page 555, at Postulates XI and XII. (2) Cf. Ibid., vol. IV, page 55. (3) The tenor of the cited decrees: The Reverend Dom Romarigus Flugi, Abbot of the Regular Congregation

Translated by churchlatin.ai, a product of Boyne Archives

of Monte Cassino, of the ancient observance of the Order of Saint Benedict, humbly requested that the following question be declared by the Sacred Congregation of Rites; namely: By Decree of the Sacred Congregation of September 16, 1886 (Cf. Acta S. Sedis, vol. XIX, p. 299), the feast of Saint Catherine of Alexandria was extended to all the dioceses of Italy and the adjacent islands.

[*Latin ed. p. 626*]

626 FROM THE SACRED CONGREGATION for the Cult of the Saints, and let it also be decreed that the recent decree of the Congregation of Missionaries of the Immaculate Heart of Mary, Most Holy, of December 6, 1902, be observed (1). And thus it was decreed. On March 26, 1904. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary of Melite. Decree of Beatification and Canonization of the Venerable Servant of God, Ignatius Falzon, secular priest. The island of Melite, which from ancient times has been ennobled by the Catholic faith, has constantly and piously preserved and continues to preserve this treasure, while from the virgin gardens of Saint Benedict, that lily exhaling the fragrance of sanctity, still beholds the Venerable Mother Adeodata Pisani, whose cause of beatification is still being considered, and turns her eyes with new joy to another most excellent flower, also of the secular clergy, Ignatius Falzon. Born in Valletta on July 1, 1813, from pious and honorable parents, Francis Joseph and Mary Theresa Debono, and imbued with the rudiments of the Christian faith in the parish of the Friars Preachers, called Porto Salvo, now regenerated at the sacred font. Still a boy, anointed with sacred chrism, he showed such devotion and love for the Most Holy Virgin, that in her honor he composed an entire *Decreti interpretationem*. Regarding the interpretation of the decree, with respect to the Regular clergy, the following is asked: Are the Regular clergy in Italy and its adjacent islands obliged to observe the aforementioned feast? And the Sacred Congregation of Rites, upon receiving the report of the Secretary, responds in writing: "No." (1) Cf. Acta S. Sedis, vol. XXVI, page 238. The reason for today's decision should be sought in the fact that, generally speaking, the Regular clergy, using their own calendar, except for the feasts of the Titulus, the Patron, and the Dedication of the cathedral church, are not obliged to celebrate the offices proper to the diocesan calendar. However, there are two exceptions, namely when such offices, or any other, have been granted to a kingdom, province, diocese, etc., and have already been accepted by the Regular clergy, according to the aforementioned decrees of the Sacred Congregation, n. 3147 and in one of the Congregation of Missionaries of the Immaculate Heart of Mary, ad 1; and also when the Apostolic See has explicitly declared that they are obligatory even for Regular clergy who do not use the diocesan calendar, according to decrees n. 1708 ad 2 and n. 3084 ad 1. On the contrary, Regular clergy who do not have their own calendar,

Translated by churchlatin.ai, a product of Boyne Archives

must follow the diocesan calendar, according to the decree 2964 ad 1, with the addition of the feasts of the Order.

[*Latin ed. p. 627*]

He diligently performed the daily prayers prescribed by the Rule, and, as his age increased, also the hourly prayers. He also followed with singular devotion the most chaste example of Saint Joseph. Admitted to the banquets of the celestial Lamb, he received the Blessed Sacrament as a most devout worshiper. He was frequently present in the church of Saint Barbara and in another church, that of Saint Paul, sometimes to devote himself to prayer, and sometimes to partake of the sacred banquet. Diligently engaged in the humanities and higher studies, he was honored with the highest praise and esteem. Meanwhile, having received the clerical tonsure, and having been advanced to the lower orders, although he considered himself unworthy, he steadfastly refused to advance to the higher orders; nevertheless, he never neglected the duties of his new state. By word and example, he not only encouraged boys and young men, but also English soldiers, to receive the sacraments properly and to lead a Christian life. From the records of the ecclesiastical court of Melita, it is evident that the ministry of the Servant of God, and that of his elder brother, a presbyter of Chalcedon, was so abundantly blessed with heavenly gifts that, over time, more than six hundred soldiers, including six from the Jewish nation, having renounced their errors, embraced the true faith. Ignatius was concerned that the soldiers converted to the Catholic religion should persevere. To this end, a sodality had already been established in the church of the Holy Name of Jesus, which he supported with his own money. In the evening, people of all ages and conditions were gathered together, and they listened to the catechism, which was called "perseverance," and performed various exercises of piety, while priests were present to hear confessions. In that assembly, help from God was also invoked to obtain the conversion of the English dissenters. Very often, people opposed to the Catholic name would gather there, and, with God's help, they were drawn from the path of error to the way of truth, through these and other works of charity. While the Servant of God was diligently engaged in these and other charitable works, he fell ill with a long and serious heart condition. In the year 1875, after having attended Mass on the feast of the holy Apostles Peter and Paul in the church, and as his illness worsened, strengthened by the sacramental absolution, and by the ministry of his brother, he breathed his pious soul on the first of July. The day after his death, the body of the Servant of God was taken to the church of Saint Mary of Jesus: where, the next morning, the proper funeral rites were performed, in the presence of a very large crowd. Meanwhile, the fame of the sanctity of life that Ignatius had lived,

Translated by churchlatin.ai, a product of Boyne Archives

even while still living, increased day by day after his death.

[*Latin ed. p. 628*]

628 FROM THE SACRED RITUALS. Hence, the Ordinary Inquiries, instituted according to custom within the ecclesiastical court of Malta, were presented to the Congregation of Sacred Rites. Having requested and obtained Apostolic permission to proceed before the lapse of a decade, and without the intervention or vote of the Consultors, since all things were ready to proceed with the introduction of the cause for beatification, at the urging of the Most Reverend Father Ambrose Agius, Procurator of the Congregation of Monte Cassino, and Postulator of this cause, and with the attentive letters of certain Eminences of the Sacred Roman College of Cardinals, and of many Most Reverend prelates and other men, whether of ecclesiastical or civil standing, the Eminent and Most Reverend Lord Cardinal Dominic Ferrata, Relator of this cause, proposed the following question to be discussed at the meetings of the Ordinary Congregation of Sacred Rites, held at the Vatican on the date indicated: Whether a Commission for the Introduction of the Cause should be signed in the case and for the purpose in question. And the Eminent and Most Reverend Fathers entrusted with the safeguarding of the Sacred Rites, after the report of the Relator Cardinal, having also heard the voice and the written opinion of the Most Reverend Father Alexander Verde, Promoter of the Holy Office, and having carefully considered all matters, decided as follows: Affirmative, that is to say, the Commission should be signed, if it pleases the Most Holy [Pope]. April 12, 1904. Subsequently, a report was made to the Most Holy Lord Pope Pius X by the Eminent and Most Reverend Lord Cardinal Aloysius Tripepi, S.R.C., Pro-Prefect, and His Holiness approved and ratified the decree of the aforementioned Congregation, and deigned to sign the Commission for the Introduction of the cause of the aforementioned Venerable Servant of God, Ignatius Falzon, secular cleric, on the 13th day of the same month and year. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 629*]

FROM THE SACRED RITUALS, YEAR 629. Regarding the precedence of Bishops, only the time of their promotion and confirmation must be considered. The Congregation of Sacred Rituals has proposed the following for appropriate declaration: Reverend Monsignor Dionysius Dongherty, Bishop of Neo-Segubia in the Philippine Islands, was consecrated in Rome, in the church of Saints John and Paul, on June 14, 1903; and the ceremony, or rite, began at the seventh hour of the morning. Reverend Monsignor Frederick Rooker, Bishop of Iarensis in the same Islands, was consecrated on the same day, June 14, 1903, in Rome, in the chapel of the Pontifical College of America Septentrionalis; and the rite of consecration began at the eighth

Translated by churchlatin.ai, a product of Boyne Archives

hour of the morning. Both were publicly announced at the same Consistory, on June 22, 1903; but the name of Reverend Rooker was proclaimed first. The question is: Which of these two prelates should precede the other? And the Sacred Congregation of Rituals, after considering the report of the undersigned Secretary, and the carefully considered opinion of the Liturgical Commission, decided to respond: "He who was first proposed and confirmed in the Consistory should precede, according to the decrees n. 270 of Segobricen, March 21, 1609, and n. 1606 of Terulen, November 20, 1677." And so it responded in writing. On April 15, 1904. S. CARDINAL CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) The cited decrees: Segobricen, n. 270, reads as follows: "Regarding the precedence among Bishops, no other reason should be taken into account than the time of their election or promotion to the episcopate, so that he who was first elected or promoted, and who was proposed and confirmed by the Supreme Pontiff in the Consistory, should precede the other, regardless of any dignity or quality subsequently elected, proposed, and confirmed as above...." Furthermore, in one of the decrees of Terulen, n. 1606, concerning the precedence of Bishops, the Sacred Roman Congregations decree: "The time of promotion must be considered."

[*Latin ed. p. 630*]

650 FROM THE RITUALS OF ALERIA, OR PAVIA. Decree concerning the Canonization of Blessed Alexander Sauli, from the Congregation of the Most Reverend Fathers of Saint Paul, Bishops of Aleria and afterwards of Pavia. CONCERNING THE DOUBT: "Whether and concerning which miracles there is evidence in the case, and to what effect." The memory of the honors bestowed by the Apostolic See upon Anthony Mary Zaccaria, whom the illustrious Congregation, proud of its legal founder, has rightly earned through religion and all virtue, still flourishes; this is a congregation of regular clergy of Saint Paul, commonly called Barnabites. Today, the highest honors decreed for his son, the most worthy heir of paternal sanctity, Blessed Alexander Sauli, increase the splendor of this family and the joy of the entire Church. This distinguished citizen of Milan, abundantly endowed with the grace of God from his earliest years, so eagerly embraced the ways of the Lord that he appeared to be a perfect man, rightly esteemed as a servant of God, and seemed to have been divinely granted a fervent zeal for the salvation of souls. He almost perfectly embodied the form of the sacred ministry, whether through teaching for the best instruction of the students of the sacred order, or through writings published with doctrine and piety, or through his combined work with bishops in the governance of the Christian people, or in the administration of the entire family, which he had embraced at the beginning of his youth. From all of this, it was easily foreseen what kind of bishop he would be, should he ever be called to that office, after overcoming his modesty. However, all expectations were

Translated by churchlatin.ai, a product of Boyne Archives

not merely confirmed, but surpassed. For, when appointed as bishop of Aleria, he aroused such fervor in the piety of the island that he softened the manners of the inhabitants so much that he deserved to be called the Apostle of the island of Cyrnaea; and in Pavia, he acted in such a way that it is difficult to judge whether he more confirmed his flock through pastoral endeavors or through true miracles. When these signs, which so clearly and frequently illuminated the tomb of this saintly man, moved Pope Benedict XIV to decree honors for the Blessed, soon after, the members of the Barnabite Order urgently requested that the highest honors be bestowed, that is, that the name of Blessed Alexander be inscribed in the list of saints, especially because of two...?

[*Latin ed. p. 631*]

From the Sacred Congregation for Rites, 631, it is known that miracles have been spread abroad, with the help of prayers, and the permission of the Apostolic See has been diligently sought for this. And the tables [containing accounts of these miracles] have been examined and approved by the Congregation of Sacred Rites. The first miracle occurred in Moden, in the year 1741. Charles Riva, for more than a year, was afflicted with a most grievous paralysis, and was deprived of all movement. He was being transported by his sons in a vehicle through the streets of the city, seeking alms. Solemnities were being held in honor of Saint Alexander, whose heavenly honors had recently been increased. Drawn to these, the sick man, three days after the beginning of the prayers, was immediately and completely cured of the disease, which the doctors had either declared to be incurable, or to require a long period of treatment. The second miracle occurred in Bastia, on the island of Cyrnaea, in the year 1869. Mary Canessa had been suffering from a scrofulous-tuberculous affliction for thirteen years, which, having consumed many of her limbs with wounds, had reached even the bones. Due to the contraction of her left leg, she was unable to stand, and for three years she had been forced to lie in bed. Considering the severity and persistence of the disease, the doctors had almost given up hope. Fortune shone upon the miserable woman on the 19th of March, on which day, at the very end of the novena of prayers, which she had undertaken to obtain the intercession of Saint Alexander, she was miraculously healed, and she still enjoys the best of health. Regarding both miracles, the proper proceedings were instituted, first in the preparatory meeting held in Rome on the 4th of September, 1902, under the direction of the Reverend Cardinal Lucidus Maria Parocchi, esteemed member, Relator of the Cause; then again in the preparatory meeting held at the Vatican on the 14th of June, 1903; and finally, in the general meeting before His Holiness Pope Pius X, in the Vatican buildings, on the 8th of March of the following year; in which the Reverend Cardinal Jerome Maria Gotti, assisted, proposed a question to the Relator regarding the miracles: "Of

Translated by churchlatin.ai, a product of Boyne Archives

what miracles does it consist in this case, and to what effect does it pertain?" The Reverend Cardinals presiding over the Sacred Congregation for Rites and the Consultors, with unanimous consent, judged that both miracles were worthy of consideration. With the exception of all the votes, the Most Holy Pope, with his own open judgment, superseded them, saying that he hoped to announce, with God's help, what he would soon be able to declare, in complete agreement with the votes of the Reverend Cardinals and the Consultors. Today, on this Sunday, the second after Easter, the Gospel of the Good Shepherd is proposed by the Church.

[*Latin ed. p. 632*]

632 FROM THE SACRED CONGREGATION'S RITUALS: Our most sacred Eucharistic Host was most religiously venerated, and the Most Reverend Cardinals were ordered to be present. Seraphinus Cretoni, Prefect of the Sacred Congregation, and in his place and stead, Aloysius Tripepi, Pro-Prefect of the same Sacred Congregation, and Jerome Mariam Gotti, Relator of the Cause, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, as secretary, were present. With these present, he solemnly decreed: "Let there be considered two miracles: the first, the instantaneous and perfect healing of Charles Bica from a long-lasting and grave paraplegia arising from chronic transverse myelitis; the second, the instantaneous and perfect healing of Mary Canessa from a grave and long-lasting affliction of struma-tuberculosis." This Decree was ordered to be promulgated and recorded in the acts of the Sacred Congregation on the fifteenth day before the Kalends of May, in the year 1904. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. DIARY, Wednesday, April 12, 1904. In the Apostolic Palace at the Vatican, an Ordinary Congregation of Sacred Rites was held, in which the Eminent and Most Reverend Fathers Cardinals, entrusted with the safeguarding of sacred Rites, presented the following causes: 1. Malta. – For the beatification and canonization of the Servant of God, Ignatius Falzon, a secular cleric. – Regarding the introduction of the cause. 2. Spalato and Macarska. – For the beatification and canonization of the Servant of God, Nicholas Biankovic, founder of the Oratory of Saint Philip Neri in the City of Spalato, and Bishop of Macarska. – Regarding a doubt: "Whether, from what has been presented, there is an impediment preventing further progress in the case and to the effect of what is being considered." 3. Faventina. – Regarding the granting or declaration of the Blessed Virgin Mary, commonly known as della Salute, as the special Patroness of the place of Solarolo and of the entire community, and also the approval of the Office and Mass on the feast of the same Blessed Virgin

Translated by churchlatin.ai, a product of Boyne Archives

Mary.

[*Latin ed. p. 633*]

FROM THE SACRED CONGREGATION OF RITES 633, 4. Tarentina. – Concerning the confirmation or declaration of Saint Anthony of Padua, Confessor, as the principal patron of the town of Fragagnano. 5. Cremonen. – Concerning the granting and approval of a proper Mass and Office for the feast of the Blessed Virgin Mary of Caravaggio, under the double rite of the first class, with an Octave. 6. Wladislavien, or the Order of Saint Paul the First Hermit. – Concerning the granting and approval of a proper Office and Mass in honor of the Blessed Virgin Mary, assumed into heaven, commonly called Claramontana. 7. Romana. – Concerning the granting and approval of a proper Office and Mass in honor of the Primitive Martyrs of Rome. 8. Ruremonden. – Concerning the granting and approval of special blessings in honor of Saint Cornelius, Pope and Martyr, for the Diocese of Ruremonden, in Holland. 9. Constantien. – Concerning the granting and approval of a proper Office and Mass in honor of the Blessed Augustine Chapdelaine, Martyr. 10. Brixinen. – Concerning the beatification and canonization of the Servant of God, Magdalena, Archduchess of Austria, known as the Queen, foundress of the Royal Convent of Hal. – Regarding the revision of writings. 11. Romana. – Concerning doubts and privileges. On the third day of the week, April 26th, in the year 1904, a preparatory Congregation of the Sacred Rites was held in the offices of the Most Eminent and Reverend Lord Cardinal Vincent Vannutelli, as President or Relator, concerning the miracles in the cause of: the canonization of the Blessed Catherine Thomas, Canoness, a professed member of the Regular Order of Saint Augustine of Palma de Mallorca. – Regarding the doubt: "Whether, and concerning which miracles, it is established that, after the veneration granted to the aforementioned Blessed, in the case and to the effect of which we are speaking." The Most Reverend Consultors of Theology were present and gave their opinion, as well as the Most Reverend and Reverend Consultor Prelates.

[*Latin ed. p. 634*]

634 FROM THE HOLY CONGREGATION FOR INDULGENCES AND SACRED RELICS: A SUMMARY of Indulgences, Privileges, and Dispensations granted to Lay Members of the Secular Order of Prémontré.

I. PLENARY INDULGENCES.

A. Granted to Lay Members of both sexes who are truly penitent, having confessed and received Holy Communion:

1. On the day of their entrance into the Third Order;

2. On the day of their profession;

Translated by churchlatin.ai, a product of Boyne Archives

3. As often as, with a desire for a better life, they dedicate themselves for eight consecutive days to spiritual exercises.

B. To the same Lay Members, if they have confessed and received Holy Communion, and visit a church of the Order of Prémontré or a Sodality, and pray according to the mind of the Supreme Pontiff, on the following feast days:

1. Paschatis Resurrectionis (The Resurrection of the Lord);

2. Annuntiationis B. Mariae Virgini (The Annunciation of the Blessed Virgin Mary);

3. Assumptionis B. Mariae (The Assumption of the Blessed Virgin Mary);

4. B. Godefridi Conf. Ordinis (St. Godfrey, Confessor of the Order) (January 16);

5. B. Evermodi Ep. Conf. Ord. (St. Evermod, Bishop, Confessor of the Order) (February 17);

6. B. Friderici Ab. Conf. Ord. (St. Frederick, Abbot, Confessor of the Order) (March 3);

7. B. Ludolphi Ep. Mart. Ord. (St. Ludolph, Bishop and Martyr of the Order) (March 29);

8. B. Herrnanni-Iosephi Conf. Ord. (St. Hermann-Joseph, Confessor of the Order) (April 7);

9. B. Gerlaci Conf. Ord. (St. Gerlac, Confessor of the Order) (February II, after the Ascension);

10. Triumphi S. P. Norberti (The Triumph of St. Primate Norbert);

11. Depositionis eiusdem S. P. (The Deposition of the same St. Primate);

12. B. Isfridi Ep. Conf. Ord. (St. Isfrid, Bishop, Confessor of the Order) (June 15);

13. SS. Martyrum Gorcomiensium (The Holy Martyrs of Gorcum);

14. S. P. Norberti (St. Primate Norbert);

15. B. Hrosnatae Mart. Ord. (St. Hrosna, Martyr of the Order) (July 19);

16. B. Gertrudis Virg. Ord. (St. Gertrude, Virgin of the Order) (August 13);

17. S. Augustini Ep. Doct. (St. Augustine, Bishop and Doctor);

18. B. Bronislavae Virg. Ord. (St. Bronislava, Virgin of the Order) (August 30);

19. B. Gilberti Ab. Conf. Ord. (St. Gilbert, Abbot, Confessor of the Order) (October 24);

20. Omnium Sanctorum Ordinis (All the Saints of the Order) (November 13);

21. B. Siardi Ab. Conf. Ord. (St. Siard, Abbot, Confessor of the Order)

Translated by churchlatin.ai, a product of Boyne Archives

(November 17);

[*Latin ed. p. 635*]

FROM THE ENCYCLICAL ON INDULGENCES, 635. To these same Tertiary members who are in the article of death, if they have acted as above, or at least if contrite, they have devoutly invoked the Most Holy Name of Jesus, either with their mouth, if they are able, or, if not, with their heart.

II. PARTIAL INDULGENCES.

A. To Tertiary members, seven years and as many forty days, who, at least contrite of heart, have devoutly visited the church of the Order or Sodality, and have prayed there for a certain time on the following feast days: 1° The Nativity of Our Lord Jesus Christ; 2° Circumcision; 3° Epiphany; 4° Ascension; 5° Corpus Christi; 6° The Immaculate Conception of the Blessed Virgin Mary; 7° Nativity; 8° Purification; 9° St. John the Baptist; 10° All Saints.

B. A number of days equal to the number of times that Tertiary members have performed some pious work of piety or charity, at least contrite of heart.

III. STATIONARY INDULGENCES. On the days of Stations described in the Roman Missal, these same Tertiary members, visiting the church of the Order or Sodality and praying there according to the mind of the Supreme Pontiff, obtain the same indulgences that they would gain if they personally visited the churches of the city or outside the city listed in the same Missal on those days, provided that they perform the other prescribed pious works. All and each of the indulgences mentioned above, except for the plenary indulgence to be gained in the article of death, are also applicable to the souls detained in Purgatory.

IV. PRIVILEGES.

1° Tertiary priests celebrating Mass at any altar enjoy the privileged altar indulgence for three days each week, provided that they have not obtained a similar indulgence for another day.

2° All Masses celebrated in suffrage for the faithful departed are privileged everywhere.

[*Latin ed. p. 636*]

636 FROM THE MOST HOLY CONGREGATION OF INDULGENCES, V. INDULTS. 1° Tertiary members residing in places where there is no church of the Order of Prémontré or of the Sodality may gain the Indulgences of that Order, as directly granted above, and also those granted to all the faithful who visit the churches of said Order, under the condition

Translated by churchlatin.ai, a product of Boyne Archives

that they visit the respective parish church or any other church, or public oratory, fulfilling all other prescribed conditions. 2° Tertiary members who are infirm or convalescing, and who cannot conveniently leave their homes, may gain the same Indulgences by reciting the Our Father and the Hail Mary five times each, and by praying for the intentions of the Supreme Pontiff, as if they were personally visiting the church of the Order or Sodality, provided that all other prescribed works are duly performed. DECREE: Whereas, by the Decree of this Most Holy Congregation concerning Indulgences and Sacred Relics, dated July 18, 1902 (1), all Indulgences were abolished, with which secular Tertiary members of any Order previously enjoyed, by reason of their communion with the first and second Orders respectively; and whereas, it was prescribed to the Superiors of religious Orders having their own Tertiary Orders, that they propose a new Index of Indulgences for their secular Tertiary members; the General Abbot of the Order of Prémontré, complying with this mandate, prepared the aforementioned Index and humbly submitted it to this Most Holy Congregation; which, with the assistance of some of its Consultors, called it for examination. The Most Holy Pope Pius X, in an Audience on August 28, 1903 (2), having heard a report on all of this made by the undersigned Cardinal Prefect, benignly confirmed from the Indulgences listed in the aforementioned Index, those which had previously been granted directly to Tertiary members, while, in place of those which they enjoyed by reason of communion, He mercifully granted others; and He also commanded that, in the future, the members of the aforementioned Order who are Tertiary members living in the world should participate only in those Indulgences, and enjoy only those privileges and indults which are listed in the aforementioned Index. This concession, the same Holiness declared, shall be valid also for all future times (1) Cf. Acta S. Sedis, vol. XXXVI, page 454. (2) Cf. Ibid., page 377.

[*Latin ed. p. 637*]

From the Sacred Congregation for Indulgences, it was decreed, without any brief, notwithstanding any contrary things. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 1st of March, 1904. Cardinal TRIPEPI, Prefect. L. S. For the Secretary, Most Reverend Canon COSBLLI, Substitute.

A plenary indulgence is granted for the dying, to those who perform a certain act of charity. The pious Mother Church has never neglected to provide opportune assistance to the faithful who are nearing death, when the necessity of the matter requires it. And now, these salutary aids can be renewed. For many of the clergy, and especially those who are engaged in the care of souls, have daily petitioned Our Most Holy Father Pius PP. X, so that to the faithful who, while still alive, perform the following act: "Lord, my God, I now freely and with a willing spirit accept from your

Translated by churchlatin.ai, a product of Boyne Archives

hand whatever form of death you may will, with all its sorrows, pains, and torments," a plenary indulgence in articulo mortis might be granted. These petitions, presented in an audience held on the 9th of March, 1904, by the undersigned Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, were most graciously received by the same Holiness, who benignly granted that all the faithful, who, on the day of their choosing, having been duly reconciled through sacramental confession and strengthened by the Holy Sacrifice, with true charity towards God, perform the aforementioned act, may obtain a plenary indulgence in the very hour of death, valid forever. Notwithstanding any contrary things. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 9th of March, 1904. Cardinal TRIPEPI, Prefect. L. S. For the Secretary, Most Reverend Canon COSELLI, Substitute.

[*Latin ed. p. 638*]

638 FROM THE APOSTOLIC PENITENTIARY OF WRATISLAVIEN. Doubts concerning the works to be performed for the Jubilee of the Immaculate Conception of the Blessed Virgin Mary, in order to gain indulgences. Most Blessed Father, the Bishops of the Prussian Kingdom, through the undersigned Bishop of Wratislawien, concerning the obligations for gaining indulgences, as imposed by the letters of Your Holiness dated February 2nd of the current year (1), present the following doubts, for which they humbly request a solution: 1. Can the respective church be visited three times in one and the same day, or must this be done on three different days? 2. In those places where there is no cathedral church, but rather several parish churches, must the Bishop designate one of these to be visited, or must each person visit their own parish church? 3. Is the prescribed fast to be a strict fast, or is it permissible, at least among us, to use eggs, dairy products, fat, or lard, or juice extracted from meats, which usage is permitted on days of fasting, whether with or without abstinence? — And God, etc. The Sacred Penitentiary, having considered the proposed doubts, responds: To 1. The visits can be made at the discretion of the faithful, either only on one day or on different days. To 2. In the case in question, according to the Apostolic Letters, each faithful person must visit their own parish church. To 3. The fast prescribed for gaining the jubilee indulgence cannot be fulfilled unless food that causes hunger is used; the use of any other type of food is forbidden, regardless of any indulgence or privilege. However, in those places where it is difficult to use food that causes hunger, the Ordinary may grant permission to use eggs and dairy products, while observing the other requirements of the ecclesiastical fast. Rome, March 23, 1904. L. S. S. B. POMPILI, S. P. Datarius. (1) Cf. Acta S.

Translated by churchlatin.ai, a product of Boyne Archives

Sedis, vol. XXXVI, page 449.

[*Latin ed. p. 639*]

695. With the deepest sorrow, we inform our *Ephemeridis* associates of the death of the Reverend Father Victor Piazzesi, our excellent and beloved Director, who departed for the heavenly realm on the Ides of April recently passed, consumed by a brief illness and strengthened by the Sacraments. Having completed his studies in the diocesan Seminary of Arezzo, he went to Rome to obtain the laurea in both laws. Fortified by his studies, he assumed the direction of our *Ephemeris*, "Acta S. Sedis," and retained it for nearly thirty years, to the applause of all. Our venerable Director, joined piety towards God and love for his brothers with a brilliant mind, the works of which he accomplished, are certain proofs of his truthfulness. Pope Leo XIII, may he rest in peace, greatly esteemed him, naming him Domestic Prelate and honoring him with many burdens of honor. We pray that our friends, who held our beloved Director in high esteem, will join us in prayer for the progress of his soul to better things. Furthermore, we inform our *Ephemeridis* associates that, with God's help, the periodical "Acta S. Sedis" will be published as usual; the direction and administration are now found with the Rector for the time being of the Pontifical Seminary of the Holy Apostles Peter and Paul of the City, for foreign missions.

[*Latin ed. p. 640*]

640 Not undeservedly; for this Seminary, and indeed this very publication, as all know, were founded through the generosity and the authority of the immortal and angelic Pope Pius IX, may he rest in peace, at the instigation of the Most Reverend Monsignor Peter Avanzini, a most worthy Roman priest, who, in his will, left a periodical in favor of this very Seminary. Therefore, readers who recognize the intrinsic usefulness of our publication, indeed, the all-encompassing necessity of it, especially in these present times, and who also understand the most beneficial and excellent purpose to which its annual revenues are dedicated – namely, to nourish and educate young men in Rome, who, having received the priestly order, will be sent to distant lands among the infidels to bring the Gospel – will not only not diminish their own trust in us, but will also enrich our publication with new supporters. Since this is so, we dedicate all our efforts to the publication of the periodical "Acta S. Sedis," in the name of the Lord and under the most auspicious auspices of Pope Pius X, may he reign happily.

Let all remember that the Direction and Administration are located at:

Rettore del Pont. Seminario dei SS. Apostoli Pietro e Paolo per le Missioni estere. — Via S. Niccolò da Tolentino 74; Rome.

[*Latin ed. p. 641*]

641 ACTS OF THE ROMAN PONTIFF: APOSTOLIC LETTERS. From

Translated by churchlatin.ai, a product of Boyne Archives

the Most Holy Father and Lord, Our Pope Leo, Pope of Rome, XIII, by which the venerable Anthony Mary Zaccaria, Founder of the Regular Clerics of Saint Paul and the Angelic Virgins, is granted the honors of the Saints.

LEO, BISHOP, SERVANT OF THE SERVANTS OF GOD.

For the perpetual memory of this matter.

The chosen disciple of Our Lord Jesus Christ, having a divine vision, saw the New Jerusalem descending from Heaven, as a bride adorned for her husband, and heard a great voice from the throne saying: "I am Alpha and Omega, the beginning and the end. I will give to him who thirsts of the fountain of the living water freely. He who overcomes shall possess these things, and I will be his God, and he shall be my son" (Apocalypse, chapter XXI, verses 2, 6, 7).

Those who have overcome, drinking from the fountain of the living water freely, are the Saints, possessing the splendor of God and a light like a precious stone, as a jasper, as a crystal (Ibid., verse 11). The fountain of living water is Christ, who freely saves those to be saved, and He is accustomed to use the ministry of His Saints, so that He may bring all the predestined, as many as there are, to the New Jerusalem, namely, to the Tabernacle of God with men, where He will wipe away every tear from their eyes, and He will make all things new.

Therefore, rejoice, O most beloved, and you, the new Saints, whom I present to you, and whose patronage I commend to you; consider their examples, and strive eagerly to imitate them: Rejoice, especially you of Italy, and behold Anthony Mary Zaccaria, a citizen of your land, who loves you most dearly, your families, and all of Italy, and who looks down from Heaven, so that all of you may be lifted up in spirit to a great and high mountain.

Anthony Mary was born in Cremona, of a noble family, at the end of the year 1502, his father being Lazarus, and his mother, Anthony Pescaroli, a woman of exceptional virtue. This woman, shortly after the birth of Anthony, having been adorned with a husband, dedicated herself entirely to the upbringing of her beloved son, so that... (Acta, Volume XXXVI, page 431).

[*Latin ed. p. 642*]

642 The Apostolic Letters would escape, as he had prayed to God. Anthony did not fail to fulfill his mother's expectations, for from his early years, he displayed all the signs of future sanctity, and especially a contempt for worldly things, the cultivation of Christian piety, and a singular charity towards his neighbors. Therefore, it is said that he often, even as a young man, would strip off his clothes to help the poor, and abstain from the food prepared for himself. So inflamed was he with the love of Christian

Translated by churchlatin.ai, a product of Boyne Archives

poverty, that he never wore silk garments, which were fashionable among the nobility of that time, and he gladly gave to his mother the garments that came to him from his father's inheritance, so that she might be able to give them more freely to the poor. He himself, as the youngest of the poor, would beg from his mother what he needed, taking great care not to ask for anything that was not only not superfluous, but even something that might seem unnecessary, even to the most strict. Having been raised in a home imbued with Christian virtues, he was first sent to Ticinum, and then to Patavium, to hear the philosophers and doctors; and after having achieved great praise for his intelligence and progress, he received the degree of Laurea in medicine, and returned to Cremona to practice medicine. But it was enough to see Anthony, so that all would judge that he was called to higher things, for he had already acquired the reputation of a saint, both in Cremona and in Patavium. And indeed, there was nothing that Anthony desired more than the ecclesiastical ministry; but, being so humble, he was terrified by the gravity and dignity of the ministry. His hesitation was overcome by a brother from the Order of Preachers, distinguished by his learning and piety, named Marcellus, who promised Anthony that he himself would be a teacher in the theological disciplines, which Anthony eagerly embraced, and made such progress that he aroused the admiration of his teacher himself. Above all, he revered the Divine Scriptures, and he was so delighted by the Epistles of Paul, that he resolved to emulate him both in doctrine and in the example of his life, and to ask our Lord Jesus Christ to be a great intercessor for him. And Paul did not fail his devoted disciple. Even before Anthony had laid aside his secular garments, he had already appeared so outstanding in the service of the Sacred Apostles in Cremona, that they strongly desired to ordain him as a priest; both so that his talents might be more widely used, and so that the priestly dignity, which was being neglected due to the prevalence of vice, might once again be esteemed by the people, and feared for its worth. The outcome did not disappoint expectations; indeed, God confirmed it with a miracle.

[*Latin ed. p. 643*]

The Apostolic Letters 645 sought to confirm his visions. Indeed, when Anthony first began to have them, a marvelous thing occurred, by which God deigned to show how much He rejoiced in this intercessor. For, during the elevation of the Most Holy Host, he appeared surrounded by a brilliant light, and a company of angels was seen to surround him with reverence, until he received the sacred species. This marvel did not so much confirm the estimation of Anthony among men, as it did his humility and that ardent desire to dedicate himself to Christ, the Redeemer of all, for the salvation of all. And so, with such a fire of charity, there was no need to pursue anything individually, concerning the spiritual and temporal needs of the people of Cremona. For, the most celebrated historians of Cremona

Translated by churchlatin.ai, a product of Boyne Archives

unanimously affirm that the house of Saint Anthony became a refuge for the afflicted, just as his heart was a haven of mercy. From this, the people of Cremona were accustomed to call him their angel, and they called him by that name whenever they went to Anthony, whether to hear sermons, to confess their sins, or to seek counsel or assistance. This led to him being called the "Father of the Homeland," as he was considered and was, by common consent, a defender of the good of religion, of public and private concord, and a pillar of support. Then it came to his mind to spread the great benefits he had bestowed upon his homeland, throughout Italy, indeed throughout the entire world; and since this could not be accomplished unless he enlisted others, he began to think about a religious society, which, under the auspices of the Church, would strive with all its might for the reformation of the clergy and the people. To carry out and perfect such a great undertaking was extremely difficult, especially in that time of wickedness; but Paul was before Anthony's eyes; Paul, his patron, he carried in his heart; in his prayers and tears, he implored the Crucified Christ, through Paul, to be gracious to his intentions. And the most loving Redeemer of mankind did not delay long. For when Anthony came to Milan and attended that most excellent assembly of men distinguished by piety and learning, which was called the "Divina Sapientia," he was received by all as if he were the one who could finally determine what needed to be done to address the most serious evils that were afflicting the Church and Christian society; and when Anthony himself spoke about the society he had conceived, everyone applauded, and two noble citizens of Milan, Bartholomew Ferrari and la-, immediately offered themselves as members of Anthony's society.

[*Latin ed. p. 644*]

644 APOSTOLIC LETTERS: Anthony Morigia, having increased the number of priests, and being a most worthy and zealous man, together with his companions, requested, with the most humble prayers, from Pope Clement VII permission to found a new religious family, so that, with the end in view which we have mentioned, it might flourish under the protection of St. Paul and through constant imitation of him. Clement readily accepted these prayers, and, by letters in the form of a Brief, dated February 18th, in the year 1533, granted the requested favor. In the year 1535, Paul III, the successor of Clement, confirmed the already established Society with repeated Apostolic letters, praised it, and bestowed upon it many privileges. These are the glorious beginnings of that Society, which was admired and praised by St. Charles Borromeo and St. Francis de Sales; and which, having first spread to Insubria and among the Allobroges, and then to Italy and other nations, has rendered excellent service to the Church, and continues to do so, and greatly benefits civil society through the Christian and literary education of youth: indeed, it has produced and continues to produce many men distinguished by the praise of the

Translated by churchlatin.ai, a product of Boyne Archives

sciences, especially the natural sciences, the necessity and utility of which, especially in this our age, no one can fail to see. Not long afterwards, Anthony, in order to provide for the education of Christian girls, sought to convert that hospice which the most pious Countess Ludovica Torelli of Guastalla had established in Milan, into a monastery, and so persuaded the generous lady that she immediately sought to obtain permission for this from the Apostolic See. The Supreme Pontiff, Paul III, having accepted the prayers, granted letters in the form of a Brief in the year 1535, and thus arose those monasteries of the Holy Virgins, which are called the Angelic Sisters. For when the Holy Virgins, at the request of St. Anthony, were given the opportunity to choose a name by which they wished to be called, one of the younger ones, as if by divine inspiration, exclaimed that the name of the Angelic Sisters suited the assembly of Virgins, and since all approved of it greatly, that name was gladly adopted, with the promise added that they would strive to live up to the dignity of that name. The Angelic Sisters, under the guidance of the most wise laws of St. Anthony, so quickly came to be held in such high esteem that the beginnings of the reform of other Holy Virgins were taken from them. St. Charles Borromeo held the Angelic Sisters in such high regard that he was accustomed to call them "the most precious jewel."

[*Latin ed. p. 645*]

"LETTERS APOSTOLIC 6th of his mitre"; moreover, the precepts by which the Angelicals were governed, and the entire rationale of their institution, were of great use to Saint Francis de Sales in that wonderful foundation of Sisters, which bears the name of the Most Holy Virgin's Visitation. It seemed fitting to commend the monasteries of the Angelicals, since we believe they will still be beneficial to our age, to our office. Therefore, we strongly urged the Bishop of Lodi to restore them within his diocese. Antonius, who has deservedly earned great merit for the Church through these excellent institutions, had to expend constant and immense efforts to govern them and to defend them from detractors, who were numerous and powerful. Nevertheless, as if he had nothing else to do, at the same time he worked for the reform of the clergy and the people of Milan, to such an extent that he is rightly called the forerunner of Saint Charles Borromeo. In Milan, just as he had done in Cremona, he cared for souls and bodies, and he devised no kind of suffering or misery that he did not seek to prevent, or at least alleviate. Not only Cremona and Milan felt the great benefits of Antonius, but also the entire Diocese of Vicenza, to which he was called by Cardinal Ridolfi to restore and reform it. The praises of so many and such deeds accomplished by this heroic and renowned man are due to the virtues which he derived from constant contemplation of Jesus Christ. As his biographer gravely states, "he carried within him, like a bundle of myrrh among the fruits of his soul, a collection gathered from the Passion

Translated by churchlatin.ai, a product of Boyne Archives

of our Lord; he constantly contemplated the most perfect example of all virtues, sent from heaven, solely for the purpose of conforming himself to that image, by acting and suffering with such fortitude." Hence, the constant meditation of heavenly things in Blessed Antonius, hence that wonderful fervor with which he celebrated the Sacred Liturgy, and the immense desire to extend the kingdom of Christ, from which, as is said by hitherto valid documents, he is said to have been the first to introduce the solemn triduum of adoration of the Divine Host; hence that tender piety towards the Virgin, through whom he wished to be loved as the Crucified; hence that almost unbelievable penance, joined with angelic innocence; hence that supreme humility, with which he humbled himself below the most miserable of sinners. And yet, Christ deigned to adorn and exalt him even on earth with wondrous gifts and charisms. But now, the immortal reward, while he is still in the flourishing prime of life...

[*Latin ed. p. 646*]

646 APOSTOLIC LETTERS denied that Anthony was a heretic; who, having been summoned to Guastalla, a town troubled by grave discord, was struck by a serious illness in order to be a peacemaker. He thought of Milan and his own, but, being near death, he preferred to be taken to Cremona, a nearby city. There, in the loving embrace of his mother, whom he foretold would soon enter Heaven, revealing the future events of his Congregation amidst the abundant tears of his confreres, he was comforted by the vision and conversation of Saint Paul, as has been handed down by the most reliable authorities, and, having received all the sacraments of the Church with great fervor and humility, he died peacefully, as if anticipating heavenly delights, on the 5th of July in the year 1639, at the age of sixty-three. After his death, the entire people, with the unanimous consent of the clergy, immediately venerated Anthony among the Blessed in Heaven. Hence, the cult of his relics is outstanding; hence, his images, shining with rays and halos, are displayed above the altars; hence, the constant invocation of the Blessed Anthony is offered, not only in Insubria and in Italy, but also in the most noble regions of Europe. However, ninety-five years after his death, when the most celebrated Decrees of Urban VIII were promulgated, the Clerics of Saint Paul's Congregation deemed it necessary to abstain from this cult, although it seemed that these Urbanian Decrees did not concern him in any way. Nevertheless, the supreme authority of the Holy Apostolic See prevailed. This, all the more, should be attributed to the merit of the Barnabites, because the most noble cause could not be expedited, as they say, without this means. But when our Predecessor, Benedict XIV, wisely established that, in ancient causes, subsidiary proofs could also be accepted, the Barnabites offered all their studies, so that a large number of such proofs would instruct the promoter of their Order's cause. But, despite everything, the Ordinary Inquisition was not able to absolve the

Translated by churchlatin.ai, a product of Boyne Archives

case until the year 1808, and finally, Pope Pius VII, in the following year, established a Commission for the cause. Then, happily, everything that was legally necessary was completed, and an inquiry was made into the virtues, which were finally declared heroic by our Predecessor, Pope Pius IX, on the second of February, in the year 1849, while he was exiled in Caieta due to the treacherous crime of the bandits. Meanwhile, while the most beloved sons of B. Anthony were preparing for the imminent discussion about miracles, certain Decrees of the Holy Congregation were issued, by which the cult of the Blessed Marinoni was restored among the Clerics Theatines, as well as among the Society of the Blessed Martyrs Azevedo and his confreres, and very recently, those of...

[*Latin ed. p. 647*]

APOSTOLIC LETTERS 647: Heroes who illuminated the Church of Christ in England with their blood: hence, the Clerics Regular of St. Paul deemed it fitting to seek, in the same manner, the glory of their Founder. Therefore, with the greatest joy, they sought that consideration be given to the restoration of his cult within the Congregation of Holy Rites. The Holy Congregation approved, and We most gladly approved of their petition with a Decree on January 3, 1890, among others, concerning the cause of Blessed Anthony Mary. In the following year, the Clerics of St. Paul resumed the cause for canonization, also requesting that miracles be presented that might be efficacious for his beatification and for the purpose of canonization. When both were approved by the Holy Congregation, on May 13, 1891, We signed with Our own hand the commission for the resumption of the cause of Blessed Anthony Mary Zaccaria, and We granted that miracles obtained through the intercession of the same Blessed One after the year 1849 might be presented for his canonization. Three miracles were presented for this purpose. The first occurred in the Archdiocese of Bologna in 1876, concerning Vincent Zanotti, a farmer. At the age of twenty, he began to suffer from varicose veins in his left leg. The varicose veins were followed by an ulcer, which was particularly severe during the summer months, and so painful that Vincent was unable to engage in any work. After a few years, he showed his leg to a doctor, so that he might prepare a medicine. The doctor asserted that no medicine could be prepared to cure the disease (since the ulcer was due to a poor constitution); therefore, he prescribed only certain remedies to contain or alleviate it. In reality, the disease almost always worsened, until, when the patient had reached old age, he became very ill, and gangrene seemed to be imminent. Then Vincent turned to the intercession of the Blessed One, and he began novena prayers to obtain relief, after which he felt better, and he saw that the ulcer was turning into a scar. He added three days of prayer, and upon completing them, his strength returned, and he eagerly returned to his arduous agricultural labors, to the joy of himself and his

Translated by churchlatin.ai, a product of Boyne Archives

friends. The ulcer was healed, as evidenced by the solid scar. The second occurred in Cremona in 1873. Paula Aloni had no complaints about her health until she was fifteen years old, when she began to suffer from a serious and difficult-to-diagnose illness, which the doctors called...

[*Latin ed. p. 648*]

648 APOTOLIC LETTERS were written. The principal symptoms were contractions of the nerves, severe pains throughout the body, and at times, fever. Subsequently, a tumor of the worst kind appeared, first in the throat, and then under the armpits; after it was treated surgically, the previous illness became even more severe, and Paula was forced to lie in bed, unable to walk. She suffered from a burning fever, pain in all her limbs, and unbearable pain in her head, neck, and kidneys; she vomited, fainted, and experienced delirium and suffocation. The doctors called it a spinal ailment, and said that it was not only incurable, but that they did not know how to alleviate it. For seven years, this miserable woman remained in this state, so weakened that she seemed to consist only of skin and bones, when R. D. Charles Crotti, her confessor, having heard of the miracles of the Venerable Anthony Zaccaria, gave Paula his image and some of his relics, and thus inspired her with such hope that the woman, full of faith, began to offer novena prayers. Although her prayers were not immediately answered, she did not lose her faith, and she continued to pray to Anthony with unwavering certainty that he would eventually hear her. She had already received the Sacrament of Extreme Unction, and seemed to be about to die, having been strengthened by the blessings of the Church, when, for some unknown reason, she suddenly tried to get out of bed. Her attempt was successful! For she immediately regained her strength, and not only was she able to walk, but she was also able to eat a substantial meal; and this health, which she had never experienced before her illness, lasted for many years. The third miracle occurred to Francis Aloni, Paula's brother. He had suffered from herpes in his early years, and from inflammation of the brain, which impaired his mental faculties, and from other illnesses that completely distorted the appearance of his body. At the age of forty-five, a wound appeared on his right leg, which was treated. After a long period of care, he recovered, but a tumor then appeared on the same leg, which first became a sore, and then a terrible ulcer. He was admitted to the hospital in Cremona, but was twice dismissed as chronic and incurable. Osteoperiostitis then developed. Abandoned by everyone, he appealed for help from his sister, Paula. Remembering the Venerable Anthony, who had been present with her when she was near death, Paula encouraged her brother to be of good cheer, and urged him to pray to the Venerable Anthony with faith during a novena. Francis obeyed, and Paula had already touched his leg with the relics of the Venerable. After completing the novena prayers, he was completely healed. These miracles, namely, the instantaneous and

Translated by churchlatin.ai, a product of Boyne Archives

perfect healing of Vincent Zanotti from a chronic and incurable ulcer on his left leg; and Paula Aloni from a chronic and incurable affection of the nerve...

[*Latin ed. p. 649*]

LETTERS 649. Concerning the spinal cord; finally, Francis Aloni of Cremona, suffering from a chronic and persistent ulcer on his right leg, after having incurred the expense three times, was first examined in the preparatory Congregation held on December 17th of the year 1835, then in the preparatory Congregation held on September 1st of the year 1836, and finally in the general Congregation convened before Us on January 14th of the present year: We, having heard the opinions of Our Venerable Brothers, the Cardinals of the Holy Roman Church, as well as the Consultors; and after having implored divine light in humility of spirit, on February 14th, the Sunday after the Seventieth Sunday, We solemnly decreed that the three aforementioned miracles are to be considered as having occurred.

It remained to be done that the question be proposed in the general meetings of the Holy Roman Congregation: Whether it is permissible to proceed to the solemn canonization of Blessed Anthony Mary Zaccaria. However, the Decree of April 23rd, 1741, stood in the way, which stipulated that in cases in which virtues are not supported by direct proofs, four miracles must be examined. But We, considering the nobility and dignity of the cause, and the merit of the Blessed One, as the founder of a renowned and highly esteemed Order, exempted the petitioners from presenting a fourth miracle. Hence, on February 23rd of the present year, with the most willing consent of Our Venerable Brothers, the Cardinals of the Holy Roman Church, and the Consultors, after again invoking divine assistance, on the first Sunday of Lent, We solemnly decreed: that it is permissible to proceed to the canonization of Blessed Anthony Mary.

Having completed these things, gladly following the institutions of Our Predecessors, and the examples of Our predecessors, and also in order to enhance the solemnity of so important an event, in a secret Consistory held on April 19th of the present year, We summoned all the Cardinals of the Holy Roman Church, and asked for their opinion. After Our beloved Son, Cardinal Caietan Aloisi Masella, Prefect of the Congregation of Sacred Rites, had, with a brief but thorough discourse, spoken of the deeds, virtues, and miracles of Blessed Anthony, as well as of the series of events, he responded that it seemed to him most fitting that the honors of the Saints should be conferred upon so virtuous a man. Then, on the same day, in a public Consistory, Our beloved Son, Balthassar Capogrossi-Guarna, Advocate of Our Consistorial Court, eloquently pleaded for the canonization of the same Blessed One, and We, in order to bring it about, humbly supplicated. We, indeed, had the gravity and magnitude of the matter before Our

Translated by churchlatin.ai, a product of Boyne Archives

eyes.

[*Latin ed. p. 650*]

650 We deemed it necessary to have Apostolic Letters issued, accompanied by prayers and fasting, so that the most benign God might deign to pour forth the light of His clarity upon our minds, and to direct us in His will. We then took care that letters were sent by the Sacred Congregation of Councils, so that not only the Venerable Brothers, Bishops, who are nearby, but also those who are most distant, might be informed of this matter, and that they might come to the City, so that, having invoked the Divine Spirit, they too might express their opinion concerning the Canonization of Blessed Anthony Mary, and Blessed Peter Fourier, whom we have joined with them. Since a great many had come from all parts of the world, and the cause was fully known, both from what had been presented before Us, and from the documents of the Holy Roman Church, copies of which we wished to be given to each one, a semi-public Consistory was convened before Us on the twentieth of May. Not only our Venerable Brothers, Cardinals of the Holy Roman Church, but also Patriarchs, Primates, Archbishops, and Bishops, unanimously urged Us to complete this Canonization. The instruments of this matter were publicly prepared by chosen sons of the Apostolic See, Notaries, and were presented to the archives of the Holy Roman Church. For the solemn celebration of this Canonization, we set the date of the twenty-seventh of May, on which day is commemorated Jesus Christ, the Savior of mankind, the delight of hearts, the Founder of the redeemed world, the Victor in a noble triumph, seated at the right hand of the Father. Meanwhile, having prescribed a fast, and having granted Indulgences to the Churches, we encouraged all the faithful to approach this great solemnity with properly prepared minds, so that they might receive a greater abundance of heavenly blessings. It was also deemed fitting, both to satisfy the desires of many of the faithful, and to increase the majesty of the Rite, that it should be celebrated in the greatest temple of the entire world, according to the most ancient custom, which had been interrupted by the sadness of the times, and by the captivity of the Vicar of Christ, a most grievous thing. Since this captivity endured by the inscrutable judgment of God, we judged it not inopportune to encourage the faithful to offer more fervent prayers before the very Sepulcher of the Holy Apostles, that God might deign either to convert the enemies of the Holy Church, or to humble them. And so, the most auspicious day arrived, and all, both of the Secular and Regular Clergy, the individual Prelates and officials of the Roman Curia, and all, our Venerable Brothers...

[*Latin ed. p. 651*]

APOSTOLIC LETTERS 651. His Holiness, surrounded by Cardinals, Patriarchs, Primates, Archbishops, and Bishops, numbering approximately

Translated by churchlatin.ai, a product of Boyne Archives

three hundred, having entered the magnificently adorned Vatican Basilica after a solemn prayer, proceeded with the ceremony. Then, Our beloved Son, Cardinal Aloysius Masella, Prefect of the Sacred Congregation, entrusted with the task of canonization, after the eloquent address of Our beloved Son, Balthasar Capogrossi-Guarna, Advocate of Our Consistorial Hall, presented to Us the supplications and prayers of the Holy Fathers, as well as of the entire Order of Barnabites and the Sisters of the Angels, so that we might honor Blessed Anthony Mary. And after they had again and a third time fervently expressed their wishes and prayers, We, humbly invoking the light of the Holy Spirit, for the honor of the Holy and undivided Trinity, for the growth and glory of the Catholic Faith, by the authority of Our Lord Jesus Christ, of the Holy Apostles Peter and Paul, and Our own, after mature deliberation and the vote of Our Venerable Brothers, the Cardinals, Patriarchs, Primates, Archbishops, and Bishops of the Holy Church, declared the aforementioned Anthony Mary, a priest of the regular clergy of Saint Paul, and Founder of the Congregation of the Angelic Virgins, to be a Saint, a Confessor. To this same decree, We added Peter Fourier of Mataincourt, a priest of Lorraine, General and Reformer of the Congregation called "Our Savior," of the Order of Regular Canons of Saint Augustine, and Founder of the Congregation of nuns under the title of Our Lady, and of the same rule of Saint Augustine, and a man distinguished by the glory of virtues and miracles. We ordered that the memory of Saint Anthony Mary Zaccaria be recorded annually in the Martyrology on the fifth day of July, and We granted to all the faithful who shall visit his relics on that very day, a perpetual Indulgence of seven years and forty days. Then, having offered humble thanks to God, the Most High and Good, before Us, the Sacred and solemn ceremony was performed by Our Venerable Brother, Cardinal Aloysius Oreglia, Bishop of Ostia and Velletri, Dean of the Sacred College. Afterwards, after the reading of the Gospel, We addressed the clergy and the entire people, urging them earnestly to implore the intercession of the Holy Apostles Peter and Paul, and to trust in the merits of these new Saints, especially in the needs of the Church. Finally, with a heart filled with abundant affection, We granted a plenary Indulgence to all those present, Apostolic.

[*Latin ed. p. 652*]

652 These APOSTOLIC LETTERS, sealed with Our hand and the seals of the Most Holy Roman Cardinals, We have ordered to be dispatched under seal. You have heard, most beloved sons, from the most beloved Apostle, what great joys await the new Jerusalem, prepared by Christ for the victors: namely, those who, having put on Christ, have triumphed over the world, over the flesh, and over the powers of darkness, offering their bodies as a living sacrifice, holy, and pleasing to God, and who have not conformed to the world, but have proved what is the will of God, what is good and

Translated by churchlatin.ai, a product of Boyne Archives

acceptable and perfect (Romans, chapter 12, verses 1 and 2). For the fearful, and unbelievers, and the abominable, and murderers, and fornicators, and sorcerers, and idolaters, and for all liars, their part shall be in the lake burning with fire and brimstone (Revelation, chapter 21, verse 8). But take note, most beloved sons, that the lake burning with fire and brimstone is not only the portion of the unbelieving, the abominable, the murderers, the fornicators, and the liars, but also of the fearful. Therefore, that victory may lead us to the attainment of the great and lofty mountain, it is necessary that we strive with all our mind, with all our heart, and with all our strength against the world; concealing nothing, fearing nothing, and even embracing death itself, as a means to a great and sweet reward, when it happens that we must seek it for the true freedom and dignity of our soul, for Christ, for the rights and laws of the Church. Everywhere, war is waged against these most holy and most august names and things; in Italy, however, it is a war that is both more bitter and more unseemly; in Italy, I say, where Christ has placed the Prince of His Kingdom, whom sacrilegious men boast of having diminished, so that they may celebrate this unspeakable deed with solemn civil rites, as if it were the greatest glory of the nation, indeed of the human race, and they do not fear to perpetuate the immense and blasphemous act, near the almost overthrown Cross. May God, the Most Good, be with us; and may He favor our cause, through the intercession of Saint Anthony, favoring your endeavors, most noble Italians, who strive strenuously for Christ and the Church, and may you not be led astray by the error of the foolish, but remain firm in your own strength (First Peter, chapter 2, verse 17). Therefore, having considered all that needed to be considered, and with certainty from Our knowledge and the fullness of Our authority, We confirm, strengthen, and reiterate all and each of the things mentioned above, and We announce them to the entire Catholic Church, ordering that copies or exemplars of the present document be transmitted.

[*Latin ed. p. 653*]

APOSTOLIC LETTERS, even those printed, signed by some Notary, and sealed with the seal of a person constituted in ecclesiastical dignity, shall have the very same validity as these present Letters, if they were exhibited and shown. But if anyone should presume to infringe, or with reckless audacity to contradict, or to attempt to undermine this page of Our definition, decree, mandate, dispensation, and will, let him know that he will incur the indignation of Almighty God, and of the Saints Peter and Paul, His Apostles. Given at Rome, at Saint Peter's, in the Year of the Incarnation of the Lord One Thousand Eight Hundred and Ninety-Seven, on the sixth day before the Kalends of June, in the tenth year of Our Pontificate.

>B I, LEO, BISHOP OF THE CATHOLIC CHURCH.

Translated by churchlatin.ai, a product of Boyne Archives

•B I, A., Bishop of Ostia and Velletri, Cardinal Oreglia, from Saint Stephen, Secretary of the Holy Roman Church, Dean of the Sacred College.

•B I, L. M., Bishop of Porto and Santa Rufina, Cardinal Parocchi.

hB I, S., Bishop of Tusculan, Cardinal Vannutelli.

j$i I, M., Bishop of Sabina, Cardinal Mocenni.

•B I, I., Bishop of Alban, Cardinal Verga, Major Penitentiary.

*$(I, C., Society of Jesus, Bishop of Praeneste, Cardinal Mazzetta.

i& I, M., titular of Saint Lawrence in Lucina, Protopresbyter, Cardinal Ledochowski.

SB I, C., titular of Saint Praxedes, Presbyter, Cardinal Aloisi-Masella.

>B I, M., titular of Saint Cecilia, Presbyter, Cardinal Rampolla.

>B I, V., titular of Saint Sylvester in Capite, Presbyter, Cardinal Vannutelli.

>B I, A., titular of Saints Boniface and Alexis, Presbyter, Cardinal Di Pietro.

SB I, F., titular of Saint Mary in Aracoeli, Presbyter, Cardinal Satolli.

S I, Fr. H. M. O. Carm., from the Discalced Carmelites of Saint Mary of Scala, Presbyter, Cardinal Gotti.

•B I, D. M., titular of Saints Marcellinus and Peter, Presbyter, Cardinal Iacobini.

I, A., titular of Saints Nereus and Achilles, Presbyter, Cardinal Agliardi.

>B I, D., titular of Saint Prisca, Presbyter, Cardinal Ferrata.

%j I, S., titular of Saint Mary above Minerva, Presbyter, Cardinal Cretoni.

>B I, Th., of Saint Lawrence in Damasus, Prior Deacon, Cardinal Mertel, Vice-Chancellor of the Holy Roman Church.

hB I, A., of Saint Mary in Via Lata, Deacon, Cardinal Macchi.

a a

[*Latin ed. p. 654*]

654 APOSTOLIC LETTERS wherein Pope Pius X congratulates on the new edition of the works of St. Bonaventure. TO THE BELOVED SON, Dionysius Schüler, Minister General of the Order of Friars Minor, PIUS PP. X. Beloved Son, health and Apostolic blessing. The wisdom of the Seraphic Doctor, an immortal light to the Catholic Church, no less than to the Franciscan family, has been admirably promoted by the members of your Order, who, some years ago, undertook to reprint all of his extant works, adapting them suitably to the learning of our time. This great and laborious undertaking, as Our Predecessor, the blessed Leo XIII, approved of its beginnings and progress, so We heartily congratulate you on its successful outcome, with the complete series of volumes received. And We do this not only for your sake, but for the common good. For we believe that Bonaventure, like

Translated by churchlatin.ai, a product of Boyne Archives

other great Doctors of the Church, has been divinely given, not only for his own time, but for all posterity, and that he can greatly benefit even this age, if, as We hope will be the case after your labors, he finds many more students. Especially since he was the second among the great Scholastics, after Aquinas, whose philosophy and theology We, following Our Predecessor, have deemed worthy of great commendation, and have recently promoted through letters to the Urban Academy of St. Thomas. But We are certain that the most important fruits of this edition will be that your students, by studying the writings of St. Bonaventure, will perceive, not only... We know that in your Order, along with the love of noble Masters who illuminated the Franciscan School in the middle ages, the study of doctrines has begun to revive, with the rigor and method that the times require, in the hope of restoring its former dignity. In this regard, We mention two colleges, for the sake of honor: the Antonianum in Rome, where the finest students from throughout the Order are properly educated for higher and more important duties, and the College of St. Bonaventure at Clara Aquas, from which...

[*Latin ed. p. 655*]

APOSTOLIC LETTERS 655. The works of the Seraphic Doctor, recently printed, have appeared, and we understand that the complete works of other Minorite authors are to be published. — We consider this excellent cultivation of studies, flourishing within the Minorite family, to be worthy of both praise and encouragement. — Indeed, besides the arts and exercises of virtues, which pertain to the formation of a righteous spirit, nothing is more necessary for the worthy performance of sacred offices and duties than doctrine; for the very opinion of its reverence conciliates the respect of men for the priest, and makes the performance of the sacred ministry more fruitful. It remains that we express our gratitude, as is fitting, for the volumes offered, in which, as also our Predecessor, we praise the expertise of the critical art, the opportune abundance of observations, and the elegant form of the letters. We add our wish that, with increasing love and study of Saint Bonaventure, both within and outside the boundaries of the Franciscan Order, no few copies of this edition may remain with you. We impart, through Christ our Lord, the Apostolic Blessing to you, beloved Son, and to all those who prepared this edition, especially to Ignatius Jeiler, and then to the entire Minorite family, to which you preside, as a pledge of heavenly blessings and a testament of our singular benevolence. Given at Rome, near Saint Peter, on the eleventh day of April in the year 1904, in the first year of Our Pontificate. PIUS PP. X.

APOSTOLIC LETTERS to the Reverend Cardinal Pietro Respighi, General Vicar for the Diocese of Rome, in which all clerics and priests seeking to study are ordered to enter seminaries or ecclesiastical colleges in Rome (1).

Translated by churchlatin.ai, a product of Boyne Archives

(1) We shall publish the Latin version of this document for the benefit of outsiders as soon as possible.

[*Latin ed. p. 656*]

656. Apostolic Letters have repeatedly demonstrated the importance of the proper formation of the clergy; the discernment of vocations, the examination of the integrity of the lives of those aspiring to the priesthood, and the caution necessary to avoid opening the doors of the sanctuary to them with excessive leniency. To establish the reign of Jesus Christ in the world, nothing is more necessary than the sanctity of the clergy, for through example, word, and knowledge, they are to be guides to the faithful, as an ancient proverb says: "As the priest, so is the people." Indeed, we read in the Holy Council of Trent: "Nothing more effectively instructs others in piety and devotion to God than the lives and examples of those who have dedicated themselves to the divine ministry; for when they are raised to a higher place, free from worldly concerns, all eyes are fixed upon them, as upon a mirror, and from them, others learn what to imitate" (Session XXII, chap. I, on Reform). From this, it is clear that those called to the service of the Lord should, from their earliest years, not only be instructed in that piety and doctrine that will make them the salt of the earth and the light of the world, but should also have meditated upon and practiced sanctity of life, under vigilant observance and careful discipline, in Seminaries. For in Seminaries, tender plants are nurtured, which, when grown into trees, will bear abundant fruit; in Seminaries, workers are prepared who will cultivate the Lord's vineyard; and finally, courageous athletes are trained who will sustain the divine battles with fortitude. Therefore, the Fathers of the Holy Council of Trent, after the Session (XXIII, chap. 18, on Reform), in which the establishment of these ecclesiastical novitiates was decreed, congratulated each other with great joy, repeating that, if this had not been established, there would be no reason to lament either the long duration of the Council, nor the grave difficulties and trials that had been endured. And here, we must thank Providence, which, through the solicitude and generosity of Our Venerable Predecessors, has provided our city not only with excellent Seminaries for the needs of the Diocese, but also with Seminaries and Colleges for almost all nations; which opens not only to hope, but to the certainty that the piety and knowledge of these students, who are scattered throughout the world, will produce blessed fruit.

[*Latin ed. p. 657*]

APOSTOLIC LETTERS 657. Having been thoroughly convinced and persuaded of the necessity that those who aspire to the Priesthood be educated in Seminaries, in order to maintain and cultivate the vocation to the ecclesiastical state, and so that true vocations may be better recognized by Superiors, who must give a good testimony before laying hands upon those

Translated by churchlatin.ai, a product of Boyne Archives

aspiring to the priesthood; persuaded that those who have the true vocation desire nothing more than to enter these institutions, where, through the heavenly gifts of the Holy Spirit, they are prepared for the mission to which they are divinely called (and those who feel otherwise leave much to be doubted concerning the truth and sincerity of their vocation); we decree that those who believe themselves called to the Priesthood from their early years, if possible, should enter these nurseries of piety and study; confirming fully what Your Eminence, Cardinal, has ordered in this regard with circular letters addressed to the Reverend Ordinaries of Italy during the last three years; we have also determined to establish the following:

1. All Clergy of the Diocese of Rome, as well as those from the various Dioceses of Italy who are sent to Rome by their Reverend Ordinaries to pursue their studies, must be resident students in a Seminary or ecclesiastical College.

2. In order to provide, as far as possible, for those aspirants from the Diocese of Rome who will not be able to pay the tuition, we decree that the free places in the Roman Seminary should be reserved for Theology students who find themselves in this condition; and only in the case that there are no aspiring theologians available, may students from the Lyceum enjoy these places. We also decree that students not native to Rome may also be admitted to these places, provided they reside within this Diocese.

3. Priests who, at the request of their Bishops, come to Rome from the Dioceses of Italy, either for a course of study in Philosophy or Theology, or to attend the schools of Canon and Civil Law in ecclesiastical institutions, or for university studies, or even for practical experience in the Roman Congregations, must also enter as students in a Seminary or ecclesiastical College.

4. Foreign students, with letters of recommendation from their Most Reverend Ordinaries, must obtain a place in the Colleges of their respective nations, and, if these are lacking, in another ecclesiastical College.

Acta, Vol. XXXVI, page 431, line 42.

[*Latin ed. p. 658*]

658 APOSTOLIC LETTERS, 5th. As a consequence of these regulations, Clerics and Priests who are students shall not be admitted to the lay colleges of Rome, even though these are administered by ecclesiastical persons, to exercise the office of prefects of the students. It is painful to deprive such colleges of young students who, with ecclesiastical zeal, exercise this office there; but this necessity, to which the Directors of the individual institutions can provide a remedy in due time, must give way to the need of instilling in these young men the ecclesiastical spirit through the discipline of the Seminaries. 6th. In none of the Seminaries or ecclesiastical colleges of Rome shall anyone be accepted as a student who does not present a request

Translated by churchlatin.ai, a product of Boyne Archives

from his Ordinary, who undertakes to receive him in the Diocese upon completion of his studies, or when, for other reasons, the Superiors deem it necessary to dismiss him. The aforementioned requests must be approved by this Vicariate. 7th. The Gregorian University and the University of Minerva, the Roman and Vatican Seminaries, and the College of Propaganda shall not admit to lectures, as regular auditors, any Cleric or Priest who does not present written proof of being a resident in an ecclesiastical college or a Seminary. For Roman Priests not belonging to ecclesiastical communities, written permission from this Vicariate is required. These regulations also apply to clerics who wish to gain experience in the Roman Congregations. 8th. No one shall be promoted to the priesthood who has not completed the 4th year of Theology, and has not passed the examination, and has not been a student for three years in a Seminary or ecclesiastical college. We communicate these regulations to you, Most Eminent Cardinal, in advance, so that in your enlightened zeal for the governance of our Diocese, you may ensure the scrupulous observance of them for the coming academic year, derogating entirely from any custom or privilege to the contrary. And We impart to you, with particular affection, the Apostolic Blessing. From the Vatican, on the feast of St. Pius V, in the year 1904. PIUS PP. X.

[*Latin ed. p. 659*]

659 From the Secretariat of Briefs, the Archbishop of Cologne is granted the power to judge, in the third instance, cases judged in the first instance by the Tribunal of Freiburg, and in the second instance by the Tribunal of Rottembourg. PIUS PP. X. For the sake of future remembrance. Roman Pontiffs, to whom, as possessing the supreme governance of the Church by divine right, it pertains to receive appeals in ecclesiastical causes, which have been judged by Bishops or Metropolitans throughout the world according to canonical sanctions, have sometimes chosen sacred prelates to exercise this very power in their stead and in their name, so that the course of justice might be expedited and, for this reason, the benefit of the faithful might be promoted. Following this precedent, and primarily considering the benefit of the faithful, we, in the present circumstances, grant to the Archbishop of Cologne, by these letters, the power to act, lasting for the next seven years, beginning from the day these letters are issued, so that he may, as Our Delegate and that of the Holy See, know and judge, up to the final judgment, both matrimonial and other ecclesiastical causes which have been judged in the first instance by the Ordinary of Freiburg, and then in the second instance by the Bishop of Rottembourg, by the delegated power of the Apostolic See. We command that, in matrimonial cases, the Constitution of Pope Benedict XIV, title IV, which begins "By the mercy of God," be strictly observed, and that the necessary diligence, maturity, and counsel be borne in mind in such important cases, recalling the wise letters of Our Predecessor, which he issued to the prelates of Poland on April 11,

Translated by churchlatin.ai, a product of Boyne Archives

1741, and on May 8, 1743. In other ecclesiastical cases, all and each thing prescribed by the canonical sanctions must be observed. We wish that the Archbishop of Cologne, in all and each act of such judgments, explicitly and specifically mention the Delegation of the Apostolic See. And if any of the faithful...

[*Latin ed. p. 660*]

660 FROM THE SECRETARY'S OFFICE: Those who wish to directly experience the judgment of this Holy See in matters of this nature are informed that we understand and decree that this will be entirely free and unhindered. We grant and command this, notwithstanding all Apostolic Constitutions and ordinances, and all other provisions, even those specifically and individually mentioned, which might seem to the contrary. Given at Rome, near St. Peter, under the Fisherman's Ring, on the 16th day of April, 1904, in the first year of Our Pontificate. L. * S. A. CARD. MACCHI. To the Bishop of Rottemburg, it is granted the faculty of judging, in the second instance, causes judged in the first instance by the Curia of Freiburg. PIUS PP. X For the sake of future remembrance of this matter. Following the example of Our Predecessors, and considering the many and most serious duties with which We are constantly occupied in the care of the Apostolic ministry, We deem it fitting to occasionally delegate bishops, so that, in ecclesiastical causes in which an appeal is made to this Holy See, they may, in Our name and in the name of the Holy See itself, examine the cases themselves and pronounce judgment, so that justice may be rendered to the faithful with greater expediency. With this spiritual intention, namely, to promote the good of the faithful, We hereby grant, for the next seven years, beginning from the day these present are given, to the Bishop of Rottemburg the faculty, as a Delegate of the Apostolic See, in the second appeal or instance, to examine and pronounce judgment on both matrimonial and other ecclesiastical causes, concerning which the Archbishop of Freiburg, or, if that Archiepiscopal See is vacant, the legitimately elected Capitular Vicar, has judged in the first instance, always observing the Constitution of happy memory of Pope Benedict XIV, Our Predecessor, which begins "Dei miseratione," and also taking into account the prudent provisions contained in the letters given by the same Our Predecessor to the bishops of Poloniae on the 11th day of April, 1741, and on the 18th day of May, 1743.

[*Latin ed. p. 661*]

FROM THE SACRED CONGREGATIONS [SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION] 661: "And in matters of such importance, due deliberation must be applied. We also wish that the aforementioned Archbishop of Rottemburgen explicitly mentions in the records of each of these cases the delegated authority granted by the Apostolic See. Furthermore, if any of the faithful in

Translated by churchlatin.ai, a product of Boyne Archives

the aforementioned cases wish to appeal directly to the Holy See, we declare that this shall be free and complete for them, notwithstanding any Constitutions and Apostolic Ordinances, and all other things, even if they deserve special and individual mention and derogation, to the contrary. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the 16th day of April, 1904, in the first year of Our Pontificate. L. >B S. A. Cardinal MACCHI. ACTS OF THE ROMAN CONGREGATIONS FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION, ARGENTINENSIS. An indulgence is granted to dispense from the impediment of mixed religion, as well as other impediments, in cases of imminent danger of death. Most Blessed Father, The undersigned, Ordinary of the Diocese of Argentinensis, prostrate at the feet of Your Holiness, humbly explains the following: By the Decrees of the Sacred Roman and Universal Inquisition of February 20, 1888, and March 1, 1889, (1) Your Holiness graciously granted the Ordinaries, to be communicated to the parish priests, the power, even habitually, (1) Cf. Acta S. Sedis, vol. XX, page 543, and vol. XXI, page 696."

[*Latin ed. p. 662*]

662 FROM THE SACRED CONGREGATION OF THE HOLY OFFICE: Delegations! By which, in cases of imminent danger of death, they may be empowered to grant dispensations to those who are civilly joined [in marriage] or otherwise living in concubinage, with respect to impediments, except for the impediment of Holy Orders and affinity in the direct line resulting from a lawful marriage. However, since there is a considerable number of mixed marriages, which, disregarding the laws of the Church, are attended to only before the civil magistrate or even before an un-Cattolica minister, it frequently happens that a Cattolica party lives in concubinage with an un-Cattolica party. Therefore, the undersigned Ordinary humbly requests that the power, also communicable to the parish priests, even through habitual delegation, be graciously granted to him, by which, in cases of imminent danger of death, he may be empowered to grant a dispensation with respect to the impediment of mixed religion to those Catholics who are civilly joined or otherwise living in concubinage with an un-Cattolica party. Furthermore, the same Ordinary humbly requests the power, also communicable to the parish priests, even through habitual delegation, by which, in cases of imminent danger of death, he may be empowered to combine the requested dispensation with the aforementioned dispensation of February 20, 1888, and March 1, 1889, when, besides the impediment of mixed religion, other impediments are present, as mentioned above, so that those who are dying may, in such a time of distress, be able to be lawfully joined in the sight of the Church and to act according to their own conscience. —And God... Friday, in the fourth week, on December 10, 1903. The Most Holy Lord,

Translated by churchlatin.ai, a product of Boyne Archives

Pope Pius X, by divine providence, having heard the report concerning the aforementioned petition, and after hearing the votes of the Fathers, graciously granted the requested grace, except for the impediments mentioned in the aforementioned decrees of the years 1888-1889, and with the necessary reservations. Notwithstanding any contrary provisions. L. * S. I. Rev. Canon Mancini, of the Sacred Congregation of the Holy Office.

[*Latin ed. p. 663*]

665 FROM THE SACRED CONGREGATION'S DECREE concerning the prohibition of books. On Thursday, June 3, 1904. The Sacred Congregation of Eminent and Reverend Cardinals of the Holy Roman Church, by order of the Most Holy Pope Pius X and the Holy Apostolic See, which presides over the Index of books of pernicious doctrine, and concerning their condemnation, proscription, expurgation, and permission throughout the Christian republic, having met in the Apostolic Palace at Vatican on June 3, 1904, condemned and condemns, proscribes and proscribes, and orders that the following works be added to the Index of Prohibited Books: Ciro Alvi, *S. Francesco d'Assisi. Romanzo*. Milan-Palermo-Naples, 1903. Albert Houtin, *L'Américanisme*. Paris, 1904. Anton Vogrinec, *Nostra maxima culpa! Die bedrängte Lage der katholischen Kirche, deren Ursachen und Vorschläge zur Besserung*. Vienna and Leipzig, 1904. Therefore, no person of any rank or condition whatsoever may, in any place and in any language, henceforth publish, or read, or retain the aforementioned condemned and proscribed works, under the penalties indicated in the Index of Prohibited Books. Charles Denis and Michael Georgel, having commendably submitted to the Decree of the Sacred Congregation, published on December 4, 1903, by which certain of their books were noted and inserted into the Index of Prohibited Books. These matters having been reported to the Most Holy Pope Pius X by me, the undersigned Secretary, His Holiness approved the Decree and ordered it to be promulgated. In witness whereof, etc. Given at Rome on June 3, 1904. ANDREAS CARD. STEINHUBER, Prefect. L. & S. Fr. THOMAS ESSER, Ord. Praed., Secretary.

[*Latin ed. p. 664*]

664. From the Most Reverend Congregation of Bishops and Regular Canons of the Discalced Carmelite Order, concerning the dowry of a deceased religious woman, who had not yet completed the three-year period of simple vows, is submitted the following question: Most Blessed Father, the Procurator General of the Order of Discalced Carmelites, prostrate at the feet of Your Holiness, humbly requests that Your Holiness deign to declare: Whether, when a certain religious woman departs this life, having not yet completed the three-year period of simple vows, according to the norm of the Decree of the Holy Congregation of Bishops and Regulars of May 3, 1902 (1), the dowry in this case must remain with

Translated by churchlatin.ai, a product of Boyne Archives

the Monastery, or rather, must it be restored to the relatives or heirs of the deceased? And God, etc.

The Holy Congregation of Bishops and Regulars, entrusted with the affairs and consultations of Bishops and Regular Canons of the Holy Roman Church, having carefully considered all matters, has decided that the proposed question should be answered as follows: "Affirmatively to the first part; negatively to the second."

Rome, March 26, 1904.

D. CARD. FERRATA, Prefect.

L. & S. PH. GIUSTINI, Secretary.

(1) Cf. Acta S. Sedis, vol. XXXV, page 31. By the aforementioned Decree, which begins "Perpensis temporum adiunctis etiam ad moniales votorum solemnium," as had previously been done for religious men, the simple vows were extended to three years, preceding the solemn vows. The provisions regarding the dowry are contained in chapters X, XI, and XIII, which read as follows: "The dowry for each Monastery must be assigned to the Monastery itself before the profession of simple vows. Those who have professed simple vows retain the full ownership of their property, concerning which they will not be able to make a definitive disposition, except within two months preceding the solemn profession.... Moreover, it is altogether forbidden to them to administer these same goods, nor to expend or use any of the revenues thereof.... To a Sister who has professed simple vows and leaves the Monastery, either because of a dispensation from her vows obtained from the Holy Apostolic See, or because of a decree of dismissal as mentioned above, the entire dowry, with the exception of the fruits, must be restored."

[*Latin ed. p. 665*]

665 TURIN. Patronage. A matter of fact. On December 11, 1903, John Baptist Gay, by his will of May 25th, established three daily Masses to be celebrated in the parish church of Volverá, in the diocese of Turin. Regarding the manner of appointing the chaplains, he stipulated the following: "The testator confers the right to nominate priests, but if he should lack the ability to nominate his own wife, Francis Amedeo Gay, the son of his deceased brother-in-law Anthony, and in the absence of that, the nomination will pass to his male children, maintaining the order of seniority; but if the male line descending from Francis Gay should cease, the testator confers the right to nominate priests to the Prior of that place for the time being. And if, after the elections, through death or departure of one of those nominated, he to whom the right of nomination belongs does not fulfill his duty by electing another priest within a period of thirty days, the testator deprives him of the right to nominate in the future, ordering that it be transferred to others, according to the order established above;

Translated by churchlatin.ai, a product of Boyne Archives

furthermore, he stipulates that this right and the matter itself shall pass to the Archbishop of Turin for the time being, if the right of nomination has already passed to the Prior, and the delay in the election depends on him, etc." The elections for the three chaplaincies were regularly carried out by the legitimate patrons, during the time that they resided in Volverá. But when the patrons departed, and when Joseph Gay passed away, the Parish Priest, without anyone from the founder's descendants present, appointed the priest Peyron to the chaplaincy, which had been vacant for a long time. However, Michael Gay, the son of the deceased, contested this election, claiming his right, but later confirmed it. With the passage of time, the priest Peyron renounced the chaplaincy. Consequently, Father Stephen Bonetto requested it, but he was unable to obtain it from the Archbishop of Turin,

[*Latin ed. p. 666*]

666 From the writings of St. G., Bishop and Regular: John Gay, residing in Mediolani, whom he considered to be the senior among the patrons, was consulted regarding this matter. The patron nominated him for the chaplaincy, but the elected candidate could not accept the position, as the Prior opposed it, considering the election to be invalid. Therefore, the priest Bonetto appealed to the Taurinensi Curia, which on May 22, 1902, issued the following judgment: "The right to nominate to the chaplaincy of Volverá, belonging to Gay, had passed to the Archbishop of Taurinensis from November 15, 1896, and therefore all elections made during that time, both by the patrons and by the Prior, are declared null and void." The principal reason for this judgment was that, according to the founding statutes, the right to nominate to the chaplaincy passed to the Archbishop thirty days after the vacancy of the position. However, the priest Bonetto did not accept the judgment of the Archiepiscopal Curia, and on December 11, 1903, he appealed to the Holy See, which is now presented for resolution under the two following questions. The advocate for the plaintiff argued that the judgment of the Taurinensi Curia should be overturned in this case, and he demonstrated this with several arguments. First of all, he pointed out that not only one, but all the sons and successors of Francis Gay had the right to nominate priests to the chaplaincies in question, and that this right passed to the Prior only with the extinction of the male line, and in his absence and substitution, to the Archbishop of Taurinensis. Since, therefore, there are still five patrons alive, residing in various places in Italiae, the advocate argues that the Taurinensi Curia wrongly asserted that the right of patronage had passed to the Archbishop. Furthermore, he proceeds to demonstrate that, according to the successors of the founder,

Translated by churchlatin.ai, a product of Boyne Archives

John Gay, the senior among them, the chaplaincy...

[*Latin ed. p. 667*]

In Taurinen, it is true that the patron retains his right, having not nominated a priest to the vacant benefice within the proper time, because the priest Bonetto was not presented by the patron to the vacant office at the opportune moment. For the orator states that the time does not begin to run from the actual vacancy of the benefice, but from the day on which the patron became aware of the vacancy: "Indeed, we wish the half-year to be reckoned not from the time of the vacancy of the benefices, but rather from the knowledge of that vacancy itself" (L. III Decr. tit. 8, De concess. praeb. cap. V quia divers.).

And this knowledge of the vacancy must be true, certain, and conclusive, and not merely presumptive: "The time for presentation does not run for patrons except from the day of knowledge or notification of the vacancy. Indeed, this time runs only from the day of true knowledge, certain knowledge, and a doubtful knowledge is not sufficient... so that the proof of knowledge must be true and conclusive, and a merely presumptive knowledge is not sufficient" (Ferraris, v. Iuspatronatus, art. 4, n. 39 et 40).

To affirm this, the advocate continues, both with regard to the time granted by law and with regard to the time established by the founder, and the patron is not obliged to inquire about the vacancy of the benefice: "Similarly, (Garcia de Benef. p. 10, c. II, n. 34) the time granted to patrons for presentation, whether by law or by the founder, runs not from the day of the vacancy, as the Rota held (Decis. 1, De iurepatr. in antiquis)... but from the day of knowledge of the vacancy; (Rota decis. 7 praebend. in antiquis)... Rochus in quaest. 27, who, with the Abbot in cap. Nos quidem, rightly says: this is true even if the testator mandates that the presentation be made within four months from the day of death or vacancy, because it must be understood and supplemented, and from the day of knowledge; and Lapo above, that true knowledge is required, not merely interpretative knowledge... and that although the Ordinary, who is obliged to visit and inquire, is held to be negligent if he does not know that the benefice is vacant, when in fact it is vacant, the patron is not to be considered negligent if he is ignorant of the vacancy, even if it is noted in the place (a fortiori when it is delayed elsewhere) or in the Church of the benefice, if it is not subject to his jurisdiction, because he was not obliged to investigate it. And that the presentation must be presumed to have been made in due time, unless the contrary is shown.

[*Latin ed. p. 668*]

668 FROM THE EDICT OF THE HOLY GENERAL COUNCIL and the regulations, the knowledge of the patron is proven. The time within which this knowledge must be proven is when it concerns the substance [of the

Translated by churchlatin.ai, a product of Boyne Archives

right]. With these premises established, the advocate argues that the patron has not lost his right to present a candidate to the vacant chaplaincy. For no notification of the vacancy was given to him, no publication of the vacancy was made by the Taurinensi [Turin] Curia, and no resignation was delivered into the hands of the patron by the chaplain Peyron, as it was required to be done according to the foundation documents. Therefore, the negligence of the patron, who was residing far away, cannot be brought to judgment, according to the saying: "One is not held to investigate... one should not be considered negligent... because ignorance is presumed where knowledge is not proven." And this presumption benefits the patron. Furthermore, according to De Angelis, "It is established in dioceses that the Bishop should notify the vacancy of a benefice by a public edict and should inform the patrons, so that, if they wish, they may proceed to the presentation within the time established by law." Finally, the advocate argues that neither the Prior of the place, Volverá, nor the Taurinensis [Turin] Curia have any right to nominate priests to the chaplaincies in question; and therefore, no judgment of the Archdiocesan Curia is valid. Even if, hypothetically, the right of patronage had passed to John Gay, this right would have passed to the co-patrons, and, in their negligence, to their descendants. But none of the descendants of the Founder have been called to judgment. Furthermore, even if all were negligent in the presentation, the right to nominate is only transferred for that one instance to the Prior, and in his absence or substitution, to the Archbishop, with the understanding that, subsequently, it returns to the senior patron through a new vacancy. Regarding the second part of the argument, as to whether the priest Bonetto has a right to bring an action against the Prior, the advocate notes that the present petition was presented by the aforementioned Bonetto himself in the first court of jurisdiction, to whom no exception was made by the Judge regarding the incompetence of the plaintiff. On the contrary, the aforementioned priest appealed to this Sacred Congregation against the judgment of the Taurinensis [Turin] Archdiocesan Curia.

[*Latin ed. p. 669*]

TURIN. 66) [He] established [it], which was immediately accepted by the judges without any opposing difficulty. Therefore, since the chaplain has been legitimately nominated by the patron for four years, and unless the contrary is proven, he is considered to be in legitimate and legal possession of the chaplaincy, and he can invoke the fundamental principle "the condition of the possessor is better." Consequently, the beginning of the second objection, in which those contending with each other agreed, becomes clear by itself. The arguments of the Prior. On the contrary, the advocate of the Prior argues that the judgment of the Court of Turin should be confirmed in this case. And first of all, he refers to the founding documents, from which it is clear – according to the will of the testator himself –

Translated by churchlatin.ai, a product of Boyne Archives

that those descended from Amedeo Gay are called to actively exercise the patronage, according to the order of seniority, so that, in their absence, the local parish priest, Volverá, will be substituted. Furthermore, it is undisputed, says the advocate, that the testamentary clause includes the time limit for making the nomination within a period of 30 days, after which, the right to nominate is permanently lost, but it passes to other successors until the Prior, and if the Prior neglects it, to the Archbishop of Turin. Therefore, since the aforementioned chaplaincy has been vacant for two years since 1892, the patrons, as if negligent, should be permanently removed from the right to nominate in the future, according to the meaning of the founding documents. And since, in 1896, the Prior of the place did not make the nomination within the prescribed time due to the vacancy of the same chaplaincy, the right to nominate should be considered permanently transferred to the Archbishop of Turin. Then, the advocate asserts that the patron's alleged ignorance is a sham, with which he tries to circumvent the founding documents. For he who alleges ignorance, is bound to prove it when it concerns public and notorious facts: "Ignorantia non praesumitur ubi aliquid est publicum et notorium" (Rota coram Cerro, June 10, 1641, p. IX, vol. 1, d. 80, n. 14).

[*Latin ed. p. 670*]

670 FROM THE DECREES OF THE BISHOPS AND CANONS. They falsely claim ignorance of the vacancy of the chaplaincy in the case of the patron. Indeed, this ignorance appears most implausible, given the frequent visits of the patrons to the place of Volverá, where the patrons always consulted the Prior, from whom they publicly and repeatedly heard that they were excused from the right of patronage, and that the appointment of chaplains had already been completed. Moreover, when the ignorance of the vacancy is proven to be implausible from several circumstances, it is no longer permissible to bring it up as a pretext for always finding a convenient time, so that the patrons, whenever they wish, may designate priests for the vacant chaplaincy. The Sacred Rota teaches: "The conclusion that time runs from the day of knowledge is not valid when the ignorance is implausible" (Before Marquemantio, Lucana jurisprudence, June 22, 1611, page HI, paragraph 377, number 3). Furthermore, the advocate recalls that the priest Bonetto is a relative and friend of the patron, John G-ay; given this relationship of kinship and friendship, it cannot be understood how the plaintiff first sought the chaplaincy from the Archbishop, and after his request for the benefice was denied by the Curia, he then turned to the patron himself. From this course of action, by which the priest Bonetto effectively acknowledged that the right to nominate was devolved upon the Archbishop, the Prior's advocate concludes that there is no doubt that the patron has relinquished his right, not because of ignorance, which cannot be presumed in this case, but because of his own negligence, he has

Translated by churchlatin.ai, a product of Boyne Archives

not exercised his right of nomination. Finally, regarding the second question, the advocate points out that no action can be granted to the priest Bonetto against the Prior Capello. Even if it were admitted that, according to the foundation statutes, a negligent patron loses the right of presentation without prejudice to his successors, it remains certain that, in the present vacancy, the patrons Gay, who are currently present, have not exercised their right within the time established by law; and therefore, in the present vacancy, they possess no further right to nominate priests. Therefore, the presentation of the priest Bonetto must be considered legally invalid, and since the office of chaplain cannot in any way be granted to him, no account of administration can be given to him.

[*Latin ed. p. 671*]

From the Sacred Congregation for the Propagation of the Faith, 671: The Prior Capello is obligated to provide a report, and the priest Bonetto should have no part in the interpretation of the will. Therefore, the following doubts are raised: I. Should the judgment of the Archdiocesan Tribunal of Turin be confirmed or overturned in case II? And, concerning the affirmative answer to the second question, does the priest Bonetto have a right to take action against R or against the Prior Capello in this case? The Most Reverend Fathers of this Sacred Congregation have provided the following answers: To I: The judgment should be overturned. To II: Provision is made in the first [case].

From the Sacred Congregation for the Propagation of the Faith, DECREE: The Apostolic Prefecture of Schikoku is established, and entrusted to the Order of Preachers. Whereas, during the general meetings held on the 18th of this month, the Most Reverend and Most Reverend Fathers of the Sacred Congregation for the Propagation of the Faith examined the suitability of ceding the island of Schikoku, which is currently under the jurisdiction of the Most Reverend Lord Bishop of Osaka in Japan, to the Dominican Religious; and whereas, it is fully agreed upon, either by the Most Reverend Father D. Julius Chatron, the aforementioned Bishop of that Diocese, or by the Dominican Fathers themselves: Therefore, the Most Reverend Fathers, desiring to promote the supreme good of souls, have unanimously decided that the aforementioned island of Schikoku should be separated from the Diocese of Osaka, and properly erected as an Apostolic Prefecture, to be entrusted to the care of the Venerable Fathers of the Dominican Order. This decision of the Most Reverend Fathers was communicated to the Most Holy Pope, our Lord Pius, by the grace of God, Pope X, by the Most Reverend Lord Aloysius Veccia, of this Sacred Congregation.

[*Latin ed. p. 672*]

FROM the Secretary of the Sacred Congregation of the Council, in a report dated January 19th of the current year, His Holiness has deigned

Translated by churchlatin.ai, a product of Boyne Archives

to consider and approve everything contained therein, and has ordered the drafting of the present Decree on this matter. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on January 27th, in the year 1904. Fr. H. M. GOTTI, Prefect. L. * S. ALOISIUS VECCIA, Secretary.

FROM the Sacred Congregation of the Council, a DECREE concerning matters to be observed and avoided in the fulfillment of obligations through Masses offered by hand. In order that the celebration of Masses offered by hand may be carried out with due diligence, and that the dispersion of alms and the neglect of assumed obligations may be avoided, the Sacred Congregation has, even recently, established certain things. But in the great mobility of affairs and fortunes in our time, and in the increasing wickedness of men, experience has shown that greater precautions must be taken, so that the pious intentions of the faithful are not frustrated, and that this most important matter may be carefully and piously guarded by all. For this reason, after having consulted with the Most Reverend Fathers of the Congregation on several occasions, certain things have been determined which the Most Holy Pope Pius X has carefully considered, approved, and ordered to be promulgated, as follows.

First of all, the Sacred Congregation declares that by the present Decree, "manual Masses" are to be understood and considered to be all those Masses which the faithful request to be celebrated with a contribution offered by hand, whether it be a small sum or a larger one, either in a will or otherwise, provided that it does not establish a perpetual endowment, or one that is so substantial and long-lasting that it must be considered as perpetual.

Likewise, among the "manual Masses" are to be included those Masses which burden the patrimony of a private family in perpetuity, but which are not established in any church, so that these Masses can be fulfilled by any priest, at the discretion of the family, in any place.

On the other hand, those Masses are not to be considered as "manual Masses" which are established in a particular church, or are attached to a benefice, and which, for this reason, can only be applied by the proper beneficiary, or in that very church, for that specific purpose; and

[*Latin ed. p. 673*]

DECREE 675: Therefore, either by right or with the Indult of the Holy See, they must be transferred to other priests so that they may fulfill them. Concerning all of these matters, the Holy See decrees: 1. No one may seek and receive more Masses than he can probably celebrate within the time limits established below, either by himself, or through priests subject to him, if we are speaking of a diocesan Ordinary, or a regular Prelate. 2. The useful time for fulfilling the obligations of manual Masses is one month

Translated by churchlatin.ai, a product of Boyne Archives

for one Mass, six months for one hundred Masses, and a longer or shorter period of time, more or less, according to the greater or lesser number of Masses. 3. It is not permitted for anyone to assume so many Masses that he could not probably fulfill them within a year from the day the obligation was accepted; however, the will of those offering is always to be observed, who may, for some urgent reason, explicitly or implicitly, request a shorter time for the celebration or fulfillment of Masses, or grant a longer time, or spontaneously assign a greater number of Masses. 4. Since in the decree of the Vigilant Day of May 25, 1893 (1), it was stated, "that in the future, all and each beneficiaries and administrators of pious causes, or those in any way obligated to fulfill the obligations of Masses, whether clerical or lay, must, at the end of each year, hand over to their own Ordinaries, in the manner defined by them, the obligations of Masses that remain, and for which they have not yet fulfilled," in order to remove ambiguities, the Most Reverend Fathers declare and decree that the time defined by these words is to be understood in such a way that, for Masses founded or attached to a benefit, the obligation to deposit them runs from the end of that year within which the obligations must be fulfilled; for manual Masses, however, the obligation to deposit them begins after one year from the day the obligation was accepted, if we are speaking of a large number of Masses; saving the prescriptions of the preceding article for a smaller number of Masses, or the different will of those offering. 5. Those who have an excessive number of Masses, of which they are free to dispose (except for those Masses founded or offered), *Cfr. Acta S. Sedis, vol. XXVI, page 36. Acta, Tom. XXXVI. fase. CDXXXI. 43*.

[*Latin ed. p. 674*]

674. Concerning the temporal and local circumstances of the celebration of Masses, it is permitted to assign them, besides the proper Ordinary or the Holy See, also to priests who are well-disposed, provided that they are certainly and personally known, and without any exception for superiors. 6°. Those who have offered Masses with their alms to their proper Ordinary or to the Holy See are released from all obligation before God and the Church. But those who have received Masses from the faithful, or who have entrusted them in any way to others for celebration, are bound by the obligation until they have received proof that the celebration has been performed; therefore, if the matter fails due to the distribution of alms, the death of a priest, or any other cause, even accidental, the one who entrusted the Masses is obligated to make good the loss and to fulfill the obligation for the Masses. 7°. Diocesan Ordinaries shall immediately record in a book, in order, the Masses which they collect according to the provisions of the preceding articles, together with the corresponding alms, and they shall do their best to ensure that they are celebrated as soon as possible, but first, they shall fulfill the obligations for the manual labor, and then for those that

Translated by churchlatin.ai, a product of Boyne Archives

are similar to the manual labor. In the distribution, they shall observe the rule of the decree Vigilanti, namely, "the intentions for Masses shall first be distributed among the priests subject to them who are in need; otherwise, they shall be given to the Holy See, or to other Ordinaries, or even, if they wish, to priests outside the diocese, provided that they are known to them and without any exception for superiors." The city of *Sarum* shall always observe the rule of article 6 concerning the obligation, until the priests have carried out the celebration. 8. It is absolutely forbidden for anyone to entrust the obligations for Masses and the alms themselves, received from the faithful or from pious institutions, to booksellers and merchants, to the administrators of newspapers and ephemeral publications, even if they are religious men, nor to sellers of sacred vessels and vestments, although they may be pious and religious institutions, and generally to any others, even ecclesiastical men, who request Masses, not expressly in order to celebrate them themselves or through priests subject to them, but for some other purpose, however good. For it is clear that this cannot be accomplished except through some kind of commerce with the alms for Masses, or by diminishing the alms themselves; and both of these things must be absolutely avoided, as the Holy Congregation has judged. Therefore, in the future, anyone who dares to violate this law, either by knowingly entrusting Masses as described above, or by accepting them, will incur, besides the grave sin committed, the penalties prescribed below.

[*Latin ed. p. 675*]

DECREE 675, 9°. According to what has been established in the preceding article, it is decreed that the stipends assigned by the faithful for Masses offered, and for Masses celebrated for the benefit of a foundation or attached to some other benefit (which are celebrated in the manner of Masses offered), may never be separated from the celebration of the Mass, nor converted into other uses or diminished, but must be delivered in their entirety and in their specific form to the celebrant, notwithstanding any declarations, indulgences, privileges, rescripts, whether perpetual or temporary, granted anywhere, by any authority, which are contrary to this law.

10°. Therefore, it is forbidden and entirely prohibited to sell or buy books, sacred vessels, or any other things, and to enter into associations (as they are called) with newspapers and periodicals through the means of Masses. This applies not only if it concerns Masses to be celebrated, but also if it concerns Masses already celebrated, whenever this is done for the purpose of gain and in support of some commerce.

11°. Furthermore, without a new and special permission from the Holy See (which will not be granted unless it has first been established that there is a true necessity, and with due and appropriate precautions), nothing may be taken from the alms of Masses, which the faithful are accustomed to give to the celebrants of sanctuaries, in order to provide for the adornment

Translated by churchlatin.ai, a product of Boyne Archives

and embellishment of those sanctuaries.

12°. Whoever shall have dared to violate in any way or under any pretext the statutes contained in the preceding articles 8, 9, 10, and 11, if he is a member of the priesthood, shall be subject to suspension from the divine office, reserved to the Holy See, and shall incur the penalty by the very act; if he is a cleric not yet initiated into the priesthood, he shall likewise be subject to suspension from the orders he has received, and, moreover, he shall become ineligible to attain to higher orders; if he is a layperson, he shall be excommunicated by a sentence reserved to the Bishop.

13°. And since in the Apostolic Constitution (1) it is stated that excommunication by a sentence reserved to the Supreme Pontiff is incurred by « those who collect alms of greater value for Masses, « and who derive profit from them, by celebrating them in places « where the stipends for Masses are usually of lesser value, » the Holy See declares that nothing is taken away from this law and sanction by the present decree.

14°. However, so that a sudden innovation may not be harmful to some pious and religious publications, it is granted that associations operating through Masses which have already been initiated, until the end of the year from which they were instituted.

[*Latin ed. p. 676*]

676. From the Sacred Congregation, it is decreed that these matters are to be extended. Furthermore, it is granted that the indulgences for the alms of Masses, which have been conceded for the benefit of sanctuaries or other pious causes, shall remain in effect until the end of the current year. 15°. Regarding Masses attached to benefices, whenever they are entrusted to other priests for celebration, the Most Eminent Fathers declare and decree that the alms should not be other than those pertaining to the local synod in which the benefices were established. For Masses founded in parishes and other churches, the alms that are given should not be other than those which are permanently established at the time of the foundation or in a subsequent grant of remission, always respecting, if any exist, legitimate rights, whether for the fabric of the churches or for their rectors, according to the declarations presented by the Sacred Congregation in the Acta of Munich, July 25, 1874 (1), and in the Acta of Hildesheim, January 21, 1898. In Munich, "considering that the alms of Masses, for some legatees, should properly be parochial," the Fathers judged it permissible for the parish priest, if he cannot satisfy them himself, to entrust these Masses to another priest, with the customary alms of the place, whether for sung Masses or for recited Masses. And in Hildesheim, it was declared that "in Masses bequeathed to a church, a portion of the revenue may be retained for the service of the ministers and the church itself, that portion which, at the time of the foundation or by some other legitimate means, was assigned to them independently of any special work performed for the fulfillment of

Translated by churchlatin.ai, a product of Boyne Archives

the bequest." Finally, it is the duty of each Ordinary to ensure that in each church, in addition to the table of perpetual charges and the book in which the manual Masses entrusted by the faithful are recorded in order with their alms, there are also books in which the fulfillment of these charges and Masses is noted. They must also ensure the full and complete execution of the present decree, which His Holiness commands to be observed inviolably by all, with all contrary things to no avail. Given in Rome, from the Sacred Congregation of the Council, on May 11, 1904.

VINCENTIUS CARD. EP. PRAENESTINUS, Prefect.

C. DE LAI, Secretary.

(1) Cf. Acta S. Sedis, vol. VIII, page 65. - Concerning the alms of Masses.

[*Latin ed. p. 677*]

677. FRIBURG. DISPENSATION FROM IRREGULARITIES. Case presented on January 23, 1904. William Molitor, a student of Sacred Theology in the diocese of Freiburg, desiring to be promoted to the sacred orders, petitioned his Archbishop for a dispensation from irregularities arising from infamy of the law and from a lack of gentleness. The petitioner, "while engaged in studies of civil law at the University of Heidelberg, was present at, and perhaps participated in, approximately twenty-four duels, with forty spectators and witnesses, and he himself participated in ten of them. In all of these duels, the combatants were wounded, sometimes to the point of bloodshed, and the petitioner himself once inflicted a serious wound on his opponent's head, and on another occasion, when the petitioner was participating, one of the combatants suffered a severe wound to one eye. The wounds received by the petitioner have left four scars in his mouth, but they are not so serious as to cause deformity of the body, nor are they likely to scandalize the people." Furthermore, the Archbishop stated that "this young man is by no means to be considered habitually given to anger, rather he is more aptly described as being of a gentle and mild disposition, who nevertheless engaged in that insane custom prevalent in universities (especially in Germany), whereby certain academic organizations compel their members to engage in duels (which they call 'duels of honor' or 'duels of glory') with members of other organizations; furthermore, he is no longer affiliated with these organizations, acknowledges his errors, and sincerely repents, and therefore is strongly recommended for a dispensation from the irregularity." Several reasons seem to suggest that the petitioner's requests should not be granted. First, there is the special nature of the crime, which is...

[*Latin ed. p. 678*]

678 From the most serious decrees of the Holy General Council: those who engage in duels, and their accomplices, are indeed perpetually infamous, according to the Council of Trent (Session 25, Chapter 19, on Re-

Translated by churchlatin.ai, a product of Boyne Archives

forms), but they also incur the reserved excommunication of the Roman Pontiff, and are deprived of ecclesiastical burial. Indeed, no one is ignorant of the Pontifical Constitutions which have been issued to repress these crimes, such as Gregory XIII's *Ad tollendum*, Clement VIII's *Illius vices*, Benedict XIV's *Detestabilem*, and Leo XIII's *Pastoralis officii*. But it may be objected that these penalties should only be applied to strictly regulated duels, in which lethal weapons are used, and there is a danger of death, and not to duels which are practiced among university students in Germany, in which these extreme penalties are avoided; however, these are considered equal in terms of sacrilege, as is evident from the resolution of the Sacred Congregation of the Council in Wroclaw, dated August 9, 1890, in response to the question: "Whether, by whom, and by what title is an irregularity incurred when a duel is committed in the manner in which it is commonly practiced among students in German universities in these times?" The answer was: "Affirmatively, by those who engage in the duel and their sponsors, due to the infamy of the law." (Cf. *Acta S. Sedis*, vol. XXIII, p. 234). Furthermore, the speaker still retains the signs of the crimes committed by the perpetrators, which, although not so grave as to "cause deformity of the body or scandalize the people," nevertheless always arouse a certain admiration in the people, due to their criminal origin. It should also be noted that the young man Molitor has repeatedly been found guilty of the aforementioned crime. And although the authors do not agree on whether someone incurs multiple irregularities of the same type through repeated offenses (see *Lega De iudic. eccl.*, vol. III, p. 298), it does not seem doubtful that this circumstance makes the granting of absolution more difficult.

[*Latin ed. p. 679*]

FRIBURG. 679. Favorable considerations. On the other hand, it must be considered that, although the custom prevalent in Germany of engaging in such duels is entirely to be condemned, nevertheless, if someone guilty of this crime desires to return to a better life and dedicate himself to ecclesiastical service, out of the kindness of the Church, dispensations are often granted from this impediment for just reasons, as is evident from the practice of the Most Holy Congregation. And just and fitting reasons for extending grace to the Orator do not seem to be lacking. Firstly, as the Archbishop testifies, the Orator engaged in the duel, not out of some animosity or perversity of spirit, but rather following the custom of other classmates, although this custom is condemned; and moreover, such duels are considered by students to be a kind of arena for displaying strength. Secondly, the Orator, having been warned of the gravity of the crime, completely withdrew from the student organizations in which such duels are usually held, repented of his errors, and gave clear signs of penance. Nor is there to be feared that the granting of grace will give rise to scandal and

Translated by churchlatin.ai, a product of Boyne Archives

admiration among the faithful; indeed, as the Bishop of *Vratislaviensis* stated in the aforementioned case, "a duel, as it is practiced among university students in these times, is rather a reckless game, devoid of any real danger to life, than a matter of great importance." Finally, it seems that the Orator's request should be granted, not only because of his outstanding qualities, both in terms of knowledge and morals, but also because of the lack of priests in the Diocese of *Friburgensi*, and because of the favorable testimony of the Archbishop, who, together with the Orator, requests the dispensation, stating that "the Archdiocese of *Friburgensi* is still suffering from a shortage of priests, and the aforementioned student is worthy of praise both in terms of morals and knowledge."

[*Latin ed. p. 680*]

680 FROM THE DECREE OF THE GENERAL COUNCIL: The Fathers, having considered all the matters presented from various sides, decreed as follows: Considering the particular circumstances pertaining to the granting of a dispensation, provided that there is no scandal present, which burdens the Archbishop's conscience, after a salutary act of penance, and having heard the case presented by the Reverend Doctor BAREN, concerning the matter in question, on January 23, 1904. In the town of Palo del Colle, there exists a parish church dedicated to Saint Mary La Porta, which possesses the characteristics of a collegiate church. In addition to the Archpriest, who receives an annual stipend of 240 ducats, there are thirty members who, according to the statutes, receive an annual stipend of 50 ducats if they are older, and 40 ducats if they are younger. Following the publication of the Italian laws of 1866 and 1867, which suppressed ecclesiastical properties, this church also became subject to governmental control; only a portion of the collegiate church's funds was assigned to the parish priest for his stipend, as well as a fixed pension for the remainder of the members, for the duration of their lives. Subsequently, from the year 1886, new members began to be added to the church, replacing those who had died, thereby prolonging the life of the college; they divide among themselves the additional income from funeral associations and other functions, not excluding the Archpriest, who has a double share in the associations where the deceased is present, whether he participates personally or through a delegate. On the occasion of receiving these benefits, certain questions arose between the Archpriest and some of the members, the first of which is whether the Archpriest is...

[*Latin ed. p. 681*]

SECTION 681: The matter is to be submitted to the law of apportionment, when, in fact, it does not involve the exercise of the care of souls; secondly, whether, in funerals, when the Archpriest does not personally intervene, the portion due to him, in addition to the double portion owed to him,

Translated by churchlatin.ai, a product of Boyne Archives

must also be paid by the participant who represents him; thirdly, whether, in other sacred functions, not pertaining to funerals, the Archpriest has the right to a double portion, whether he is present or absent, even if his absence is not excused by the actual exercise of the care of souls.

These controversies, having been presented to the Archbishop, he, by decree of September 3, 1900, resolved the first two matters in this way: that the parish priest should not be subject to apportionment, even if absent, and actually not occupied with the affairs of the parish, nor should the participant representing him receive his own portion, in addition to the double portion for the absent parish priest. The third question, however, remained unresolved.

Against this decree, the apportionees appealed to the Holy Congregation, also inquiring whether the Archpriest, while others are enjoying only the benefits of the "adventitii," can enjoy a triple portion greater than that established by the organic law or by the "Piano," or rather, whether he should distribute what remains from the 240 ducats assessed by the "Piano" tax.

The advocates of the participants argued that the Archbishop's decree of September 3, 1900, should be annulled, both with regard to the exemption of the parish priest from the law of apportionment when absent and not occupied in the exercise of the care of souls, and with regard to the portion to be received by the participant representing the parish priest, in addition to the double portion for the absent parish priest.

And with regard to the first point, the defender observed that custom, even if ancient, is to be rejected in matters of apportionment, as is clear from the decree of Boniface VIII (Cap. unie, de der. non resid. in 6): "The custom that has arisen in certain parts (regarding distributions)... is to be utterly rejected..." This decree was specifically confirmed by the Council of Trent (Session 24, cap. 12, de reform.): "But those who have been present at the appointed hours shall receive their distributions; the rest..."

[*Latin ed. p. 682*]

682 From the Sacred Council: "Those who, through any collusion or dispensation, are excluded [from a benefit], lack [that benefit] according to the decree of Boniface VIII, which begins 'Consuetudinem,' which the Holy Synod restores to use, notwithstanding any statutes and constitutions whatsoever." Consequently, Doctors conclude that such a custom should be eradicated as a corruption of the law, because the disapproval of the legislator not only causes an existing custom to be abolished, but also prevents it from arising in the future. Cardinal De Luca (De can. et dignit., disc. 3, n. 3; and in adnot. ad Conc. Trid., disc. 1, n. 14), Pitonius (Discept. eccl. 23, n. 16), and Reiffenstuel (Lib. 3, t. 4, n. 173) state: "Because where the law resists a custom and thoroughly disapproves of it, considering it irrational and unjust, the custom is considered abolished, not only for the past,

Translated by churchlatin.ai, a product of Boyne Archives

but also for the future, indeed, even for an immemorial custom." Furthermore, Barbosa (De can. et dign., cap. 22, n. 22) states: "Nor can the entire chapter grant, through custom, that an absent person may receive daily distributions, even if the absence lasts for a time." And Fagnanus (Cap. licet, de praebendis, n. 80) teaches that distributions cannot be legitimately granted to those who are absent by the statutes of the chapter, even if the custom has been observed for an immemorial time. This is confirmed by the jurisprudence of the Holy Sacred Council, as in Anagnina - Distrib., February 27, 1744; Derthonen. Constit. Capit., September 12, 1829; Turritana - Distrib., December 14, 1839, etc. (Cf. Pallottini, v. Distributiones quotidianae). Therefore, since the alleged custom cannot be sustained in law, it is all the more important to maintain this position, because we are not dealing with daily distributions, but with distributions among the present, for which merely being present and having knowledge is not sufficient to benefit. Cardinal De Luca (De Can. et cap., disc. 16, n. 3) states: "There is another species of truly daily and minute distributions, which are provided daily for personal service and labor, such as those that are obtained for funeral rites, or for association with a corpse, and similar things, according to local custom; and then there is no doubt that those who are legitimately prevented from participating cannot justly claim these." Scarfanto teaches the same.

[*Latin ed. p. 683*]

BARENSIS. 685 (Lucubrations Canonicae, vol. 1, lib. 2, tit. 10, animad. n. 1 ad 8), who furthermore states that no custom whatsoever can be admitted for benefiting from the contributions of those who are absent. But moreover, the custom invoked by the Archbishop in this case, according to the advocate, does not exist. Indeed, according to article 16 of the Instructions for Bishops of November 18, 1822, the parish priest is not to be excluded from the distribution of fines; therefore, it seems implicitly that he is also included in the distribution of the same. Furthermore, in the subsequent ministerial decree of April 30, 1830, it is stipulated that parish priests should not be burdened with fines, but that this should be left to the prudent judgment of the Ordinary; therefore, parish priests can be subject to the assessment of the Ordinary by decree. And in fact, the Archbishop of Barensis decreed this in the year 1889, when he approved a Capitular resolution, by virtue of which the parish priest was declared subject to assessment, when he was not actively engaged in the care of souls. Hence, in the books of assessment, there is a specific column for the parish priest, and in fact, five times in the year 1892, seven times in the year 1893, and five times in the year 1894, he was subject to assessment. Regarding the second question concerning the Archbishop's decree, the advocate argued that, apart from the double portion of the parish priest, no portion is due to his delegate, because the delegate cannot even represent himself in order to

Translated by churchlatin.ai, a product of Boyne Archives

obtain his own portion. The reason for substitution is governed by the law that he who substitutes another in the choir is not bound by the same choir, as is deduced from the resolution of the Holy See in Eugubina, of December 15, 1605. Therefore, Benedict XIV (Inst. eccl. 108, n. 17) states the condition: "That the substitute himself is not obliged to come to the choir on those days in which another suffices in his place." But in the present case, all the priests participating in the funeral are invited to attend, and therefore, one cannot substitute for another. Furthermore, the advocate maintains that the privilege of the Archpriest's double portion does not extend to non-funeral functions. Whether one considers article 19 of the Instructions for Bishops and the subsequent ministerial decree of 1827, or whether one attends...

[*Latin ed. p. 684*]

684 The resolution of the Chapter of the Sacred Congregation of the same year clearly states that the law speaks only of funeral associations present with the deceased. However, refuge is sought in custom, which, as stated above, is not considered in matters of distribution; and then there is the resolution of the Holy Sacred Congregation in the cause of Amalphi-tan-Iurium Praebendalium, May 27, 1889. Finally, concerning the application of the decree of the Holy Sacred Congregation "Ad dirimendas," of February 22, 1876, the lawyer noted that the fundamental principle is that all that has been done by Italian laws subversive to ecclesiastical property must be considered null and void. Therefore, in the eyes of the Church, the clergy of Pali, although the common mass funds have been taken by the Treasury, still retain ownership of them. The aforementioned decree, issued by the Holy Sacred Congregation under the form of questions, is as follows:

Question V I. "Whether and how a parish priest, having received from the Chapter or from the 'Cleric Guild' funds of the common mass, which have been taken by the Treasury under the title of 'congrua parochialis,' is obligated to return those funds to the common mass again."

Answer. "Generally speaking, affirmatively; however, in practical execution, let the Bishop arrange the matter, otherwise, let him appeal to the Sacred Congregation."

Question VII. "Whether the parish priest has the right to receive all the revenues of those goods, or rather, whether and in what manner he is obligated to divide those revenues with other members of the Chapter and participants."

Answer. "Negatively in the first part, affirmatively in the second part, but in such a way that from the common mass, the parish priest shall be paid an annual portion not less than the amount he received before the seizure of the goods. If, however, due to the ever-decreasing number of canons, the revenues of the common mass, after the entire portion of the parish priest has been paid, exceed the portion that each individual used to receive before the aforementioned seizure of the goods, such excess shall

Translated by churchlatin.ai, a product of Boyne Archives

be distributed again, with due proportion, among the parish priest and the other canons."

[*Latin ed. p. 685*]

SECTION 685. Question VIII. "Whether the same rule, concerning the goods assigned to the parish priest and the revenues thereof, should be observed both for cathedral churches and for collegiate and dependent churches." Answer. "Affirmative." Indeed, on the one hand, it is clear that these goods were taken from the common fund of the clergy, to which their administration and ownership previously belonged; on the other hand, the revenues derived from these goods which are assigned to the parish priest by the treasury far exceed the quota to which he is entitled. For the archpriest receives, in place of 1020 livres, more or less 3000 livres, while, on the contrary, each canon receives only 300 livres annually. Therefore, the advocate concludes that it is just that an agreement should be reached, as was done in the aforementioned case of Amalfi, in accordance with the decree *Ad dirimendas*, so that from the common fund, a portion should be assigned to the parish priest which is not less than that which he received before the division of the goods; and that what remains should be divided among the canons, excluding the parish priest, but in such a way that no canon should receive an annual share greater than that which he was accustomed to receive before the same division of the goods. If, after this distribution, anything remains, this should be distributed between the parish priest and the canons, due proportion being observed."

Arguments of the Archpriest. On the contrary, the patron of the parish priest points out, first, the nature of a dependent church, which, according to the Brief *Impensa*, is established and endowed by the piety of the faithful, so that the clergy attached to it may provide assistance to the parish priest and the church. Therefore, the parish priest should be considered not merely one among equals, but truly a pastor and superior, while those who participate should be improperly called canons. With these premises, the patron argues that, with regard to the first part of the archiepiscopal decree, the parish priest, being absent from the care of souls for any reason, is considered, by a fiction of law, to be present in order to receive the daily distributions. See the Council of Trent (Session 22, canon 3), Benedict XIV (Instructiones eccl., 107, § 56), the Holy Congregation in Milan, February 9, 1609, Berthonen, September 19, 1643, and especially in Pa-

[*Latin ed. p. 686*]

686 FROM THE MOST HOLY COUNCIL, plenary session, distributed January 28, 1882. Therefore, in the case of absence due to ministry, the parish priest is his own judge, and in such permissions granted by the Holy Office, it is customary to include the clause "with the parish priest's conscience burdened in this matter," as is evident from the aforementioned

Translated by churchlatin.ai, a product of Boyne Archives

Papal document, and also in the case of the Federation before the Sacred Congregation for Bishops and Regular Canons, on March 1, 1861. However, the advocate argues that, if this applies to the parish priest in the Chapter of the same name, *a fortiori* it must apply to the parish priest of a rectory, in which the parish priest is superior; otherwise, it would follow that an inferior could dictate to his superior. Therefore, the claim of some members of the clergy in the locality of Pali to impose a fine on the parish priest, when he is not actively engaged in the care of souls, must be rejected. The opposing decision of the clerical body of June 19, 1889, approved by Archbishop Mazzella, which stipulated imposing a fine on the parish priest, should be understood, setting aside the fact that the parish priest, being truly superior according to the clerical decision, cannot be bound by it, to apply to the assistant priests, who are members of the clergy and who are equals among equals, when the parish is left without its pastor, in order to restrain abuses by those involved in the care of souls. Indeed, how could a fine be imposed on the parish priest when, due to the vacation of the benefice, the titular parish priest is absent? Furthermore, the advocate refutes the objection presented by the Chancellor of the Chapter, in which it is declared that the parish priest has sometimes been subject to fines, noting that this is true with regard to fixed revenues, but not with regard to those that are occasional, such as votive Masses, processions, and funeral associations. Regarding the other part of the decree, the patron maintains that the delegate of the Archpriest is entitled to receive his own portion, in addition to the double portion due to the absent parish priest. In the hypothesis of the opponents, even setting aside the argument of custom favorable to the parish priest, it would have to be admitted either that the parish priest cedes one part of his double portion, or that the delegate receives nothing. However, in the first case, this would undermine the privileges granted to the absent parish priest by article 18 of the Instructions of the Bishops of 1822.

[*Latin ed. p. 687*]

BAREN. 687 and legitimately represented in the funeral association, so that the parish priest would receive less than a simple shareholder. However, in the second case, such representation would prove impossible, because no participant would be willing to take the place of the absent parish priest, incurring a loss of their own share. Furthermore, the advocate stated, the parish priest, whether acting personally or through another, has no right to a double share in other ancillary functions, besides funeral associations; this would be true according to the law, but something else applies due to the already established custom. Indeed, if the custom is admitted by the clergy to exclude the parish priest from participation in the proceeds of widows, then, for the same reason, it must also be admitted when a double share is granted to the parish priest as compensation in ancillary functions.

Translated by churchlatin.ai, a product of Boyne Archives

Finally, the advocate maintained that the application of the decree "Ad dirimendas" cannot be upheld in this case. For this to be achieved, three things would have to be demonstrated: either that the share assigned to the parish priest exceeds the amount prescribed by the statutes, or that the assets in question now yield a higher return naturally and not industrially, or finally, that a common fund still exists. But none of these can be proven: not the first, because in the designation of the parish priest's share, a portion of the funds was assigned, the income of which equaled the sum of 240 guilders, according to the provisions of the old statutes; not the second, because, as evidenced by the legal documents, the net income of the parish is currently 1198 guilders, not greater, especially considering the growing needs of the faithful; not the third, because, according to the confession of the opposing party, the chapter's common fund no longer exists, since the current income of the clergy is ancillary and is to be divided among the present members. Now, let the following questions be considered: I. Should the Archbishop's decree of September 3rd be confirmed or rejected in this case? II. In sacred functions, even those that are not funeral, does the Archi-

[*Latin ed. p. 688*]

688 From the decrees of the Holy General Council, does the right belong to a priest to receive double [payment], whether he is present or absent, even without a legitimate cause, in case III? Does an Archpriest, holding the title of parish rector, owe any income besides the sum of 240 ducats, from the goods assigned to him by the Treasury, in case? And furthermore: Negatively. I. V. Must an accounting be rendered by the Archpriest for any income received beyond the amount due, in case? The resolution: The Fathers Cardinals, after due deliberation, ordered that the following be answered: Regarding the first question, concerning the exemption of the Archpriest from taxation, the decree should be confirmed with the declaration that the parish priest should be considered present whenever he is engaged in the care of souls, under the burden of this obligation on his conscience; and the other part should be rejected. Regarding the second question, the legitimate customs prescribed should be observed, but in such a way that the parish priest should be considered present whenever he is engaged in the care of souls, under the burden of this obligation on his conscience. Regarding the third and fourth questions: The intention is that the Archpriest should be maintained in possession and administration of the goods, and that a pension of 100 florins should be imposed upon him, with the participation of those involved; saving the right to provide for some other suitable pension in the new endowment of the benefice. Conclusions: 1. To parish priests, besides the legitimate causes for absence granted to rectors, another right is granted by law, namely, the exercise of the care of souls; concerning which, however, their conscience is burdened.

Translated by churchlatin.ai, a product of Boyne Archives

2. In matters of distributions, any custom that is contrary to the law, even if ancient, is utterly disapproved of by the law. 3. From this, the Doctors infer that in this matter, something has been abolished.

[*Latin ed. p. 689*]

689. BARREN. And also, a custom that is contrary, not only to what has been done in the past, but also to what will be done in the future, and is of long standing. 4. This must be understood correctly with regard to daily distributions, which pertain to the choral office, and not with regard to accidental distributions, which are not connected with the service of the choir. 5. Therefore, with regard to distributions, legitimate customs are admitted; *cf.* Vecchiotti, *Institutiones Canonicae*, vol. 1, cap. VIII, as well as the Sacred Congregation of Clerics, *De Distributionibus*, June 13, 1885. However, in this case, it is not sufficiently proven that a custom exists which always exempts the parish priest from receiving a portion in uncertain distributions. 6. Substitutions granted by law are generally to be fulfilled by those who are not bound to the same office; therefore, the substitute must provide his own money to the one being substituted, and even an outsider to the clergy may participate. Consequently, in this matter, a delegated portioner, besides the person of the parish priest, cannot represent himself in order to obtain his portion. 7. The parish priest, being legitimately absent, can only receive a double portion in funeral offices in the presence of the body, but not in other accidental offices, unless a contrary custom exists, as in this case. 8. The decree "Ad dirimendas" applies both to cathedral churches and to collegiate and exempt churches. Therefore, the parish priest is strictly bound by the law to contribute the sums received from the treasury for the common parish mass, which, according to the norms given, is to be divided among others, including the capitulars; however, in practice, it is more appropriate to proceed according to the laws of equity, as has been done in this case. Acts, Vol. XXXVI, page 431, 44.

[*Latin ed. p. 690*]

690 FROM THE HOLY CONGREGATION OF RITES, dated [year not given]. Doubts concerning the rite to be observed regarding funeral services over the deceased, concerning the singing of the Epistle when a reader is lacking, and concerning the distribution of Holy Communion. The Reverend Victorinus Costa, to whom the parish of Victor, located within the boundaries of the Diocese of Ceneten, has been entrusted, with the consent of his Most Reverend Bishop, humbly presented the following doubts to the Congregation of Holy Rites for appropriate resolution, namely:

I. In the aforementioned parish, on all weekdays throughout the year, a Mass is celebrated with singing for the deceased, and afterwards, the celebrant, having removed the chalice and the maniple, performs the funeral rites over the deceased without the cope and without incense. The question

Translated by churchlatin.ai, a product of Boyne Archives

is asked: Is this done correctly? And if not, should the celebrant wear the cope and incense?

II. In Masses with singing, when a reader is lacking who can sing the Epistle, can or should the celebrant sing it himself?

III. Can the priest who is about to celebrate distribute Holy Communion to the faithful, having prepared the chalice, before the Mass, and then proceed to another altar to celebrate the Mass? And if not, can he distribute the Eucharist wearing only the alb and stole, and then, having put on the chalice, proceed to celebrate at another altar?

Furthermore, the Holy Congregation of Rites, after considering the report of the undersigned Secretary, and with the unanimous vote of the Liturgical Commission, after mature deliberation, decided to respond as follows:

To I. Negatively to the first part, affirmatively to the second, according to the rubrics of the Missal concerning the Rite of Absolution and Decree No. 3108 of Saint Mark, dated September 7, 1861.

To II. The rubrics of the Missal (Rites to be observed, title VI, No. 8) and Decree No. 3350, Lisbon, April 23, 1875, should be observed.

To III. Decree No. 2740 of Trent, March 12, 1836, should be observed.

And thus it responded, on March 5, 1904.

S. CARD. CRETONI, Prefect.

L. S.

D. PANICI, Archbishop of Laodicene, Secretary.

[*Latin ed. p. 691*]

FROM SACRED RITUALS 691 of the Order of the Friars Minor: Doubts concerning the faculty of using the Roman-Seraphic Calendar. The present Procurator General of the Order of the Friars Minor, with the approval of the Supreme Moderator of the same Order, in order that all cause for ambiguity may be removed, humbly proposed the following doubts to the Congregation of Sacred Rites for proper resolution, namely:

I. Whether the faculty of using the Roman-Seraphic Calendar, granted by the Supreme Pontiff Pius VI by a Bull addressed to Religious Orders on September 6, 1785, entitled "Monialibus.... of the Third Order of St. Francis.... and others.... who either have some connection or association in their origin or progress with the Order of the Friars Minor... as well as to persons of the Third State," applies not only to tertiaries of both sexes who daily recite the Divine Office, but also to tertiaries who recite only the Office of the Blessed Virgin, and other prayers, in their churches and oratories?

II. Whether the permission to use the Roman-Seraphic Calendar, granted by the aforementioned Bull of the same Pius VI to "persons of the Third Order of St. Francis who are not obligated in choir," should be understood

Translated by churchlatin.ai, a product of Boyne Archives

only in reference to priests celebrating in a private oratory, or not canonically attached to any church; or whether it also applies to tertiaries priests canonically attached to some church, whether simple or parochial?

III. And, assuming an affirmative answer to the second part of the preceding question: whether these tertiaries priests canonically attached to a church are, on the feasts of the principal patron, the title, and the dedication of the church, whether of a parochial or cathedral church, and on those days on which they are obliged to offer the Mass for the people, bound to follow the Calendar of the Diocese in the Office and the Mass, as are the Brothers of the First Order; and then, if, after having recited some Office according to the Diocesan Calendar, a certain Office recurs according to the Calendar of the Friars Minor, whether they can conform to the Roman-Seraphic Calendar; or, considering these prescribed Offices, whether they should, as is done in the First Order, arrange for the postponement or translation of feasts that fall on prohibited days?

And the Sacred Congregation, after considering the report of the undersigned Secretary, and after a careful vote of the Liturgical Commission, decided to respond:

[*Latin ed. p. 692*]

692 FROM THE SACRED CONGREGATION OF RITES, to the Most Reverend [Addressed to someone], "Affirmative." To the second, "Affirmative concerning the first part; Negative concerning the second, regarding sacred functions in the Church." To the third, "Concerning the first part, Affirmative; concerning the second part: Negative concerning the first question, and Affirmative concerning the second." And thus it was written. On April 15, 1904. S. CARD. CRETONI, Prefect. L. *B S. f D. PANICI, Archbishop of Laodicea, Secretary* BELLICEN. Decree of Beatification and Canonization of the Venerable Servant of God, John Baptist Vianney, Parish Priest of the Village of Ars. REGARDING THE DOUBT: "Whether, with the approval of two miracles, it is possible to proceed to the solemn Beatification of the same Venerable Servant of God." Among the men of the sacerdotal order, whose praise is in the Church of God, many have most holily and most fruitfully fulfilled their pastoral ministry, having shone with such remarkable fame, and having left such high traces, that they still seem to live in the memory and in the mouths of the people. However, nothing was lacking to prevent these men from shining like burning lights in a dark place, whether it was their own humble and hidden life, or the limited field of their industry and zeal, or the fury of political factions, or the envy of rivals, or the unjust judgments of those who are hostile to anything that is beneficial to religion. Indeed, such a pastor was admired by France in the past century, John Baptist Vianney, leader and master of a small flock, but equal in spirit to the greatness of an Apostle. He, in the midst of that darkness, which the most turbulent storms had brought about, was truly

Translated by churchlatin.ai, a product of Boyne Archives

a beacon, shining far and wide, by whose light faithful crowds, and over a considerable period of years, flocked to the Village of Ars, even from the most remote places. For in the Venerable Servant of God, there was combined with singular sanctity and gravity, a remarkable gentleness, with which he almost...

[*Latin ed. p. 693*]

From the Sacred Rituals, number 695, countless men of every order and condition were attracted, easily finding in him an indefatigable minister of penance and a prudent master of piety. A constant preacher, fervent, always intent on heavenly things, most rigorous in the discipline of his body, feeling himself most humble, a refuge and solace to the needy, to the children, to the afflicted, he led them in the innocence of his heart, and in the uprightness of his hands (Psalm 77:72). The fame of these virtues, confirmed after the death of the Venerable Servant of God, not only through long pilgrimages to his glorious tomb, but also through various miracles, has again raised the question, and a proper investigation has been instituted, concerning which the Most Holy Pope Pius X decreed that it should consist of two miracles. According to the statutes of this Sacred Congregation, an inquiry was to be made as to whether the honors of Beatification could be conferred upon the Venerable Servant of God, John Baptist Vianney. Therefore, in the assembly of this Sacred Congregation, before the Most Holy Lord on the eighth of March of this year, the Most Reverend Cardinal Francis Desideratus Mathieu proposed the following question for discussion: "Whether, with the approval of two miracles, the process may proceed to the solemn Beatification of this Venerable Servant of God." All those present, both the Most Reverend Cardinals and the Fathers Consultors of this Sacred Congregation, with a wide margin of votes, unanimously affirmed that the process may proceed; the Most Holy Father, however, postponed his final judgment to another day, and urged that they should implore divine light in this matter of such importance. Finally, on this present Sunday, the second after Easter, when Christ in the Gospel is presented as the example and model of a good Shepherd who gives his life for his sheep, the Blessed Father, having devoutly celebrated the sacred rites, entered the noble hall of the Vatican, and, seated on the pontifical throne, called to him the Most Reverend Cardinals Seraphin Cretoni, Prefect of the Sacred Congregation, and Aloysius Tripepi, his Pro-Prefect, and Francis Desideratus Mathieu, the Relator of the Cause, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, the undersigned Secretary, and, in their presence, pronounced the following words: "The process may proceed..." (1) Cf. Acta S. Sedis, vol. XXXVI, p.

Translated by churchlatin.ai, a product of Boyne Archives

621.

[*Latin ed. p. 694*]

694 FROM THE SACRED CONGREGATION, concerning the possibility of holding a solemn Beatification of the Venerable Servant of God, John Baptist Vianney. This Decree was ordered to be made public, with the acts of the Most Holy Congregation to be recorded, and with Apostolic Letters, in the form of a Brief, to be issued concerning the solemn Beatification in the patriarchal Basilica of the Vatican, as soon as it should be possible to celebrate it, on the fifteenth day of May in the year 1904. S. CARD. CRETONI, Prefect. L. © S. f D, PANICI, Archbishop of Laodicea, Secretary. Decree concerning the Beatification, or declaration of martyrdom, of the Venerable Servants of God, Agathangelus of Vendome and Cassian of Nantes, of the Order of the Capuchin Franciscans, who were killed by schismatics in hatred of the Catholic Religion. CONCERNING THE DOUBT: Whether it is established that they suffered martyrdom, and for what reason, and also concerning the signs or miracles which illustrate the martyrdom itself, in the case and to the extent of what is being considered. Those who, by a most arduous manner of life and a certain blamelessness, pursue the counsels of Christian perfection in the monastery, and who are often found to be prodigies of self-sacrifice for the salvation of their neighbors, since they are often seen by the enemies of the Cross of Christ as being useless. Those, if they accomplished nothing else than to expose the common indifference and depraved morals by their eloquence, their actions, and the example of their fortitude, would already have deserved great merit for the cause of religion and humanity. In this manner of praise, the Capuchin Franciscans flourish, whose sacred expeditions equal the weight of history, and whose spilled blood is a wide-spreading seed of Christians. From this family of martyrs, the names of Agathangelus and Cassian are also inscribed, who, for the sake of their testimony to the Catholic Faith, sought a most cruel death in Ethiopia. The Venerable Servant of God, Agathangelus, was born in the paternal house of Francis Nurry, in the city of Vendome in France, on the thirty-first day of the month of July in the year 1598. Not long after, Cassian was born, on the fifteenth day of the month of January in the year 1607, destined for...

[*Latin ed. p. 695*]

From the Sacred Rituals, 695, the stole and in the Passion, the companion, Consul Vas Lopez Netto, to whom the name Cassian was later given. Both were raised by distinguished and pious parents, not to increase their own glory, but to foster the virtues of sanctity. Having been taught from childhood to fear God and to abstain from all sin, they were able to perceive the widespread corruption, and like Tobias, while all were rushing after golden trinkets, they alone went to Jerusalem to the temple of the Lord

Translated by churchlatin.ai, a product of Boyne Archives

(Tob. I, 5). This innocence of conduct prepared both of them to embrace a life of perfect virtue in the Capuchin Franciscan family, which was already then in France, striving to oppose new errors. In that home of virtue, they were strengthened by the priesthood and by instruction, so that they might be prepared to work for the salvation of the erring, and they began to yearn for sacred missions and for martyrdom. This glorious outcome was nearly thwarted when the contagious plague ravaged the city of Rennes; but the martyr of charity, who was about to die for the sake of the Faith, did not perish. Therefore, when he recovered, he was sent to Egypt, and then to Cairo, where he found Agathangelus, who had already been there for a year, and who was in charge of those sacred missions. From there, they set out together for Aleppo, where they employed all their efforts to strengthen the Catholics in the faith, and especially to restore the Copts to unity. Meanwhile, having learned that a fierce hatred of Catholics was raging in Ethiopia, they went there, enduring many hardships, and especially dangers from false brethren. For, having been led into suspicion by the machinations of a certain Lutheran, the Abyssinian bishop, with whom the Venerable Servants of God had previously been closely associated, issued an edict by which all Catholic religious were to be apprehended, whoever set foot in Ethiopia. By this threat, Agathangelus and Cassian, unsuspecting of the treachery, were barely inside Dibauria when they were immediately bound and thrown into prison. From there, they were dragged to the city of Goudar, with their feet bound with ropes to the tails of quadrupeds. After they had knelt and offered thanks to God, they were stripped of their clothes and tied to stakes, with ropes to strangle them; and, hindered by the thickness of the ropes, and after being struck with a huge pile of stones, they surrendered their unconquered souls to God on the 7th of August, in the year 1638. The innocent blood of these men was followed by many signs, among which, especially, were visions seen on the very evening of their martyrdom.

[*Latin ed. p. 696*]

696 From the sacred rites, lights emerged from the stone tombs, within which the bodies were buried, and they rose up as if into a single, burning column. And those stones did not remain silent, for in their presence, many were immediately converted to the Catholic faith, certainly imploring the holy martyrs, even after their death, to He who is able to raise the sons of Abraham from the stones. For these reasons, an investigation was instituted regarding the martyrdom of both religious men, and canonical inquiries were first conducted by the ordinary authority, and then by the Apostolic authority. After these were completed, with the permission of the Supreme Pontiff, Pope Pius X, the matter was entrusted to a special assembly of the Purpurate Fathers and the officials of the Sacred Congregation of Rites, who were to pronounce their judgment. In this assembly,

Translated by churchlatin.ai, a product of Boyne Archives

held on the twenty-second of March in the year 1904, the Most Reverend Cardinal Dominic Ferrata, as Relator of the cause, proposed the following question for discussion: "Whether it is established that there was martyrdom, and for what reason, as well as whether there are signs or miracles that illustrate the martyrdom itself, in this case and to the extent that it concerns us." And all the Cardinals and Fathers present, after deliberation, voted that it is established. Nevertheless, the Most Holy Lord, after hearing everything that was reported by the Most Reverend Cardinal Aloysius Tripepi, Prefect of the Sacred Congregation, abstained from a final judgment, imploring the help of divine light in so grave a matter. Finally, on this day, the seventeenth of April, and the second Sunday after Easter, under the title of the Good Shepherd, the same Most Holy Lord, having most piously performed the sacred rites, summoned the Most Reverend Cardinals Seraphinus Cretoni, Prefect of the Sacred Congregation, and in his place and vice, Aloysius Tripepi, Prefect, and Dominic Ferrata, Relator of the Cause, together with the Promoter of the Faith, Alexander Verde, and myself, the undersigned Secretary, and, in their presence, solemnly pronounced: "That it is established that there was martyrdom, and for what reason, as well as that there are signs, or miracles, that illustrate the martyrdom itself, in this case and to the extent that it concerns us, so that proceedings may be initiated further." This Decree was ordered to be published and recorded in the acts of the Sacred Congregation on the fifteenth of May in the year 1904. S. CARD. CRETONI, Prefect. L. © S. f D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 697*]

FROM THE SACRED RITUALS, 697, RHEIMS. Concerning the manner of kneeling by canons, the celebrant, and the thurifers when passing before the altar after the consecration of the Sacred Species. The present Canon, master of ceremonies of the metropolitan church of Rheims, with the consent of his Most Reverend Archbishop, humbly proposed the following questions to the Congregation of Sacred Rites, for a suitable declaration, namely:

I. Whether the canons, passing before the altar where the Mass is celebrated, from the consecration until the Communion, ought to perform a double genuflection, namely with both knees, or should they only bend the right knee to the ground?

II. Whether the same manner of kneeling should also be observed by any priest who, whether proceeding to the altar to celebrate Mass, or returning after celebrating Mass, passes before another altar where Mass is then being celebrated, and is between the consecration and the Communion?

III. Whether the thurifers, departing from the altar after the consecration, when carrying the incense to the sacristry, and when immediately returning to their places near the altar, should kneel in the same manner?

Translated by churchlatin.ai, a product of Boyne Archives

And the aforementioned Sacred Congregation, after careful consideration of the report of the undersigned Secretary, and after the earnest opinion of the Liturgical Commission, decided to respond as follows:

To I. Negatively to the first part, affirmatively to the second.

To II. Negatively, and the Rubrics in *De ritu celebrandi*, title II, number 1, should be observed.

To III. They should kneel with a single knee.

And thus it responded, on May 20, 1904.

S. CARD. CRETONI, Prefect.

L. f S. D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 698*]

698 DIARY. Wednesday, the 10th day of the month of May, in the year 1904, in the Apostolic Palace at the Vatican, a general meeting of the Congregation of Sacred Rites was held before the Most Holy [Pope], concerning the following matters: 1. Aleria, or Pavia. – The canonization of the Blessed Alexander Sauli, of the Congregation of Clerics Regular of Saint Paul, the Barnabites, Bishop of Aleria and afterwards of Pavia. – Regarding the doubt: "Whether, with the approval of two miracles, it is permissible to proceed to the solemn canonization of the same Blessed." 2. Abyssinia. – The beatification, or declaration of martyrdom, of five Servants of God, Agathangelus of Vendome and Cassian of Nantes, of the Order of the Friars Minor Capuchin, who were killed by schismatics out of hatred for the Catholic religion. – Regarding the doubt: "Whether, with the approval of the martyrdom and of this cause, it is sufficiently established that there are signs or miracles which illustrate the martyrdom itself, so that it is permissible to proceed further." 3. Rome. – The beatification and canonization of the Venerable Servant of God, Gaspar Del Bufalo, Canon of the Basilica of Saint Mark in Rome, Founder of the Congregation of the Missionaries of the Precious Blood of Our Lord Jesus Christ. – Regarding the doubt: "Whether and concerning which miracles it is established in this case, and to what effect." The Reverend Fathers Consultors in Theology, and I, along with the Reverend Lords Consultors, Prelates, as well as the Eminent and Illustrious Lords Cardinals of the Holy Roman Church, Prefects, were present and gave their opinions. On Tuesday, the 17th of May, in the year 1904, an Ordinary Royal Meeting of the Sacred Rites was held in the Apostolic Palace at the Vatican, in which the following matters were discussed, namely: 1. Malta. – The beatification and canonization of the Venerable Servant of God, Mary Adeodata Pisani, a professed nun of the Order of Saint Benedict, in the Monastery of Saint Peter, in the city of Malta. – Regarding the doubt: "Whether it is established that the process, constructed by Apostolic authority in the Diocese of Malta, concerning the fame of the sanctity of her

Translated by churchlatin.ai, a product of Boyne Archives

life, virtues, and miracles, is valid and relevant."

[*Latin ed. p. 699*]

DIARY 699 of the aforementioned Venerable Servant of God, in the case and for the effect of what is being considered?

1. Bruxelles, or Mechlin. – Concerning the Beatification and Canonization of the Venerable Servant of God, Sister Anne of Jesus, a religious professed of the Order of Discalced Carmelites, and the Foundress of monasteries of said Order in Belgium. – Regarding a doubt: "Whether it is established that the processes, both those conducted by Apostolic and Ordinary authority, are valid; whether the witnesses have been duly and properly examined, and whether the testimonies produced have been legitimately obtained, in the case and for the effect of what is being considered?"

2. Bayeux. – Concerning the Beatification and Canonization of the Venerable Servant of God, John Eudes, an Apostolic Missionary, the Founder of the Congregation of Jesus and Mary, and of the Order of the Most Blessed Virgin Mary of Charity. – Regarding a doubt: "Whether it is established that the processes, conducted by Apostolic authority, concerning the alleged miracles attributed to the aforementioned Venerable Servant of God, are valid; whether the witnesses have been duly and properly examined, and whether the testimonies produced have been legitimately obtained, in the case and for the effect of what is being considered?"

3. Abyssinia. – Concerning the Beatification or declaration of martyrdom of the Very Venerable Servants of God, Apollinaris de Almeida, Bishop of Nicea; Hyacinth Franceschi; Francis Ruiz; Abraham de Georgiis; Gaspar Paez; John Pereira; Lewis Cardeira; and Bruno Bruni, priests of the Society of Jesus, who were killed in hatred of the Catholic faith. – Regarding a doubt: "Whether the sentence issued by the Illustrious and Reverend Patriarch of Ethiopia concerning the cult of the aforementioned Very Venerable Servants of God, or concerning the revocation of the Decrees of Pope Urban VIII, should be confirmed in this case, and for the effect of what is being considered?"

4. Rome. – Concerning the Beatification and Canonization of the Venerable Servant of God, Joseph M. Pignatelli, a priest professed of the Society of Jesus. – Regarding a doubt: "Whether it is established that the processes, both those conducted by Apostolic and Ordinary authority, are valid; whether the witnesses have been duly and properly examined, and whether the testimonies produced have been legitimately obtained, in the case and for the effect of what is being considered?"

5. Vicenza. – Concerning the Beatification and Canonization of the Venerable Servant of God, Anthony Mary Claret, Archbishop of Saint James of Cuba, and later of Trajanopolis, the Founder of the Congregation of Missionaries of the Immaculate Heart of Mary. – Regarding a doubt: "Whether

Translated by churchlatin.ai, a product of Boyne Archives

it is established that the process, constructed by Apostolic authority in the Vicenza tribunal, concerning the reputation of a holy life, virtues, and miracles, is valid and relevant, in the case and for the effect of what is being considered?"

[*Latin ed. p. 700*]

700 FROM THE SACRED CONGREGATION FOR INDULGENCES: Concerning the question raised regarding the validity of the "raculum" [a type of devotional object] mentioned above, belonging to the Venerable Servant of God, in the case and with the effect of which it is spoken? The Illustrious and Reverend Secretary of the Sacred Congregation of Rites, having received requests from several publishers who wished to have clarified the basis of truth upon which the published information regarding the imminent revision of the Roman Breviary is founded, gave the following response: "In order to satisfy certain requests concerning the supposed revision of the Roman Breviary, the undersigned Secretary of the Sacred Congregation of Rites deems it opportune to declare, also in writing, that the Supreme Pontiff has, thus far, made no decision on this matter; and whether and when anything will be decided, is unknown to this Sacred Congregation." Rome, April 21, 1904. f D. PANICI, Archbishop of Laodicea, Secretary.

FROM THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS OF THE CITY AND THE WORLD: Indulgences are granted to those who devoutly perform the Novena in honor of St. Francis Xavier. For almost three centuries, the faithful have been accustomed to turning to St. Francis Xavier, the Apostle of India, known for his preaching and miracles, especially through a devout practice which they have not hesitated to call the "Novena." To further encourage this pious practice, the Supreme Pontiffs have long since granted indulgences, both partial and plenary, which, however, were restricted to certain regions and, above all, to the churches of the Society of Jesus. Now, in order that more abundant fruits of piety may be derived from these novenas, His Holiness Pope Pius X...

[*Latin ed. p. 701*]

From the Sacred Congregation for Indulgences, 701 documents are presented, so that it might grant the same indulgences, wherever performed, with sacred indulgences. These prayers, the Most Holy Father, having received them with great favor in an audience held on March 23, 1904, from the undersigned Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, has deigned to grant the following indulgences, applicable also to the deceased, which may be obtained twice in the year, to all the Christian faithful who perform the aforementioned exercise at any time of the year, either publicly or privately: 1° A partial indulgence

Translated by churchlatin.ai, a product of Boyne Archives

of three hundred days to those who, on any of these days, recite either the following prayer, or, if they do not have it at hand, five times the Our Father, Hail Mary, and Glory Be to the Father, etc., with at least a contrite heart and devotion; 2° A plenary indulgence to those who, after performing this pious exercise, confess and receive Holy Communion within eight days, according to the mind of His Holiness, and pray piously to him.

THE PRAYER TO BE RECITED ON ANY OF THESE DAYS:

"O most beloved and filled with charity, Saint Francis of Assisi, I reverently adore the Divine Majesty with you; and because I rejoice exceedingly in the singular gifts of grace which were bestowed upon you in this life, and in the glory after death, I give thanks to Him most heartily, and I implore you with all my heart to obtain for me, through your intercession, the grace of living a holy life and of instructing others in holiness. Moreover, I ask you to obtain for me... (here, express the grace, whether spiritual or temporal, that is being requested). But if that which I earnestly ask for you is not conducive to the glory of God and to the greater good of my soul, then, I beseech you, obtain for me what is more useful to both. Amen.

Our Father, Hail Mary, and Glory Be to the Father, etc."

This [indult] is valid now and forever. Notwithstanding any contrary provisions.

Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on March 23, 1904.

A. CARD. TRIPEPI, Prefect.

L. S.

For the Secretary,

I. M. Can. COSELLI, Substitute.

[*Latin ed. p. 702*]

702 FROM THE DECREE OF INDULGENCES OF THE CITY AND THE WORLD: Indulgences are granted to those who recite the invocation "Tota pulchra es, Maria" in honor of the Blessed Virgin Mary, Immaculate. Since the Conception of the Most Holy Virgin Mary was solemnly proclaimed by the Most Reverend Pope Pius IX, a fervent zeal has arisen among the faithful to honor the Most Blessed Virgin, conceived without original sin, through special acts of piety. To further this devotion this year, which marks the fiftieth anniversary of that solemn definition, and that this most auspicious Jubilee may have a lasting memory, the requests of many Holy Prelates, Superiors of Religious Orders, and of the faithful, were presented to His Holiness Pope Pius X, so that he might deign to enrich the following invocations, which have already become very common among the Christian people in honor of the same Immaculate Virgin,

Translated by churchlatin.ai, a product of Boyne Archives

namely:

f. Tota pulchra es, Maria. (R). Tota pulchra es, Maria.

f. Et macula originalis non est in Te. (R). Et macula originalis non est in Te.

f. Tu gloria Ierusalem. (R). Tu laetitia Israel.

f. Tu honorificentia populi nostri. (R). Tu advocata peccatorum.

f. O Maria. (R). O Maria.

f. Virgo prudentissime. (R). Mater clementissima.

f. Ora pro nobis. (R). Intercede pro nobis ad Dominum Iesum Christum.

f. In conceptione tua, Virgo, immaculata fuisti. (R). Ora pro nobis Patrem, cuius Filium peperisti.

PRAYER: O God, who through the Immaculate Conception of the Virgin prepared a worthy dwelling for your Son: we beseech you; that as you have made her worthy to bear your Son, so may you make us worthy through her intercession to attain to eternal life. Amen.

[*Latin ed. p. 703*]

FROM THE SACRED DECREES, 703, of the aforementioned Congregation, She, preserved from all stain, was foreseen by Your Son; grant that, through her intercession, we also may attain to purity and reach you. Through the same, etc. Furthermore, His Holiness, who holds most dear the increase of honor and piety towards the Divine Mother among all, most readily assented to such requests, and in an audience held on March 23, 1904, by the undersigned Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, graciously granted to all the Faithful: I. An indulgence of three hundred days, to be gained once a day, by reciting, with at least a contrite and devout heart, the aforementioned invocations; II. A plenary indulgence, to be gained by the same, on the feast days of the Immaculate Conception, Nativity, Purification, Annunciation, and Assumption of the Blessed Virgin Mary, if, on those days, they have recited the same prayers devoutly, and have also, having been duly reconciled through sacramental confession and strengthened by the Holy Eucharist, attended some church or public chapel, and there offered pious prayers to God, according to the mind of the same Holiness. These indulgences, the same Most Holy Father declared, are also applicable to the deceased. This present decree is valid forever. Notwithstanding any contrary provisions whatsoever. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on March 23, 1904. A. CARD. TRIPEPI, Prefect. L. S. Pro Secretario, I. M. Can. COSELLI, Substitute.

[*Latin ed. p. 704*]

704 FROM THE APOSTOLIC PENITENTIARY OF NICASTRO. Concerning the determination of poverty for dispensations concerning

Translated by churchlatin.ai, a product of Boyne Archives

marriage in Italia. The Bishop of Nicastro requests that a certain norm be established for him, which, among so many opinions of Authors, must be followed in determining the state of poverty or near-poverty of those seeking dispensations for marriage. And God, etc. The Sacred Penitentiary responds to the aforementioned: "Until something else is established by the Holy See, the decree of Benedict XIV, given by the Holy Congregation of the Holy Office on the fifth day of September, 1754, must be followed, according to which, with regard to dispensations for marriage, the poor in Italia are considered to be those who live only from labor and industry, and also those who possess some goods, but not beyond the sum of 300 Roman *scuta* in the capital (that is, 1612 *libellae*, 50). Those who are considered nearly poor are those whose goods do not exceed the sum of one thousand *scuta* in the capital (that is, 5735 *libellae*), from whom, however, a small increase in taxes is usually demanded from those considered nearly poor." Given in the Apostolic Penitentiary, on the 20th of January, 1904. ALEXANDER C ARC ANI, Regent. L. & S. I. PALICA, Secretary.

[*Latin ed. p. 705*]

ACTS OF THE HOLY SEE: HIS HOLINESS, POPE PIUS X, HAS DECLARED OUR EPHEMERIDES, ENTITLED "ACTA SANCTAE SEDIS," TO BE AUTHENTIC AND OFFICIAL PUBLICATIONS OF THE APOSTOLIC SEE, INTENDED FOR PUBLIC DISSEMINATION.

Most Blessed Father, the Roman ephemerides, which bear the title "Acta Sanctae Sedis," were first published in the year 1665, under the care and diligence of the most distinguished priest, Peter Avanzini, of the city, who dedicated them to the benefit of the Pontifical Seminary of the Holy Apostles Peter and Paul, for clergy, especially for Italian missionaries sent among the infidels, for which institution he himself, with the approval and generous support of the Most Holy Pope, the blessed and revered Pius IX, had recently laid the foundations.

Although the aforementioned esteemed priest had declared in the beginning of these ephemerides that they were not founded on any public authority, and that the acts contained therein claimed no authority other than that which is commonly attributed to them when found in the works of private authors; nevertheless, these ephemerides, of which we are speaking, were immediately received with such favor everywhere, that they were soon regarded by almost all the dioceses of Europe and other regions as a more reliable collection of the decisions of the Roman Curia. This was indeed a benefit to the aforementioned Seminary, and also to the missions entrusted to it by the Sacred Congregation for the Propagation of the Faith.

Furthermore, in order that these ephemerides, like other similar publications of earlier times, may be more widely disseminated and more readily accepted by readers, and that they may be more useful to the Seminary of the Holy Apostles Peter and Paul and its missions, the Acts of the Seminary,

Translated by churchlatin.ai, a product of Boyne Archives

Volume XXXVI, page 432, 45.

[*Latin ed. p. 706*]

The aforementioned Moderators, humbly prostrating themselves before Your Holiness, earnestly request that Your Holiness deign to declare the aforementioned ephemerides, for public dissemination as the Acts of the Holy See, to be authentic and official. So it was decreed. From an audience granted by His Holiness on May 23, 1904. His Most Holy Lord, Our Pope Pius X, by divine providence, having heard me, the undersigned Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith, graciously granting assent to the prayers, declared the aforementioned ephemerides to be authentic and official for the public dissemination of the Acts of the Apostolic See. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the aforementioned day and year. L. 28 S. F. H. M. Cardinal GOTTI, Prefect. We offer you many thanks, Most Blessed Father, for having declared the ephemerides "Acta Sanctae Sedis" entrusted to our care to be authentic and official. It is difficult to imagine how much this particular act of your benevolence towards us has honored and delighted us, since it is clear to us that with this Pontifical declaration, the ephemerides will contribute to the good of the entire Christian society and to the growth and benefit of our Seminary and its missions, and that the greater the need to disseminate the Acts of the Apostolic See throughout the entire world, the greater the need for them to be disseminated also with Apostolic authority. Therefore, delighted with the completion of our work, we will strive with the utmost diligence that the wisdom of Your Holiness, by which the decrees of the Roman See shine forth, may become increasingly evident, relying especially on Your Apostolic Benediction, which we earnestly request for us and for all those who read these ephemerides.

[*Latin ed. p. 707*]

707 ACTS OF THE ROMAN PONTIFF: LETTERS addressed to Emmo, the Vicar of the City, by which it is commanded that all clerics and priests who come to Rome for the purpose of study, enter Seminaries or ecclesiastical Colleges. TO THE MOST EMINENT CARDINAL PETRO RESPIGHI, GENERAL VICAR OF THE ROMAN DIOCESE (Version) (1) The restoration of all things in Christ, which, with God's favor, We have proposed for the governance of the Church, as We have already stated on many occasions, requires the proper formation of the clergy, namely, the examination of vocations, the assessment of the integrity of those aspiring to the priesthood, and also diligence, lest the door of the sanctuary be opened to them with excessive ease. For nothing is more necessary for the restoration of the Kingdom of Jesus Christ in the world than the sanctity of the clergy, so that they may be a norm for the faithful, by example, word, and knowledge; for,

Translated by churchlatin.ai, a product of Boyne Archives

as the ancient saying goes, "as the priest, so the people." Indeed, the Holy Council of Trent teaches us: "Nothing more effectively instructs others in piety and the worship of God than the example and conduct of those who have dedicated themselves to the divine ministry; for when they are raised to a higher place, being removed from worldly affairs, all eyes are turned to them as to a mirror, and from them they take what they should imitate" (Session XXII, chapter 1, on Reform). From this, it clearly arises that those called by the Lord from their earliest years should not only be instructed in that piety and doctrine by which they will become the salt of the earth and the light of the world, but also, in Seminaries, under vigilant supervision and diligent discipline, should cultivate sanctity of life and put it into practice. For in Seminaries, tender plants are nurtured, which, when they become trees, will bear abundant fruit; in Seminaries, workers are prepared who must cultivate the Lord's vineyard, and finally, (1) The Italian text is found in the preceding volume, page 655.

[*Latin ed. p. 708*]

708 Let the noble soldiers be trained through letters to bravely engage in divine battles. Therefore, the Fathers of Trent, justly and deservedly, after the Session (XXIII, chapter 18, on Reform), in which they decreed the establishment of such ecclesiastical training, filled with holy joy congratulated each other, saying that, even if the Council of Trent had decreed nothing else, they would not have had to lament its duration, nor the serious difficulties and penalties endured. Now, let us give thanks to God, because, thanks to the prudence and magnanimity of our venerated predecessors, our city flourishes with the best seminaries and colleges, not only for the needs of the diocese, but also for almost all nations; therefore, there shines a hope, indeed a certainty, that such students, spread throughout the world, will bring forth the fruits of blessing through piety and knowledge. Meanwhile, it is necessary to instruct and persuade those who aspire to the priesthood in the seminaries, so that the ecclesiastical vocation may be preserved and cultivated, and so that true vocations may be better discerned by superiors, who are obligated to give a good testimony before laying hands upon those aspiring to the priesthood; let all who foster a true vocation desire nothing more than to enter such institutions, where they may be endowed with the heavenly gifts of the Spirit, for the mission to which they have been divinely called (and let those who doubt the truth and sincerity of their vocation allow themselves to be convinced); we confirm the wish that all who believe themselves called to the priesthood should, from their earliest years, if possible, enter these havens of piety and study, fully confirming what you, Most Eminent Lord, have arranged in these past three years through circular letters sent to the Most Reverend Ordinaries of Italy. Furthermore, we decree the following:

1. All clerics of the Roman Diocese, as those sent from various dioceses

Translated by churchlatin.ai, a product of Boyne Archives

of Italy for the purpose of study, must be received in some seminary or ecclesiastical college.

2. In order that provision may be made for those aspiring to the priesthood in the Roman Diocese who will not be able to pay, we wish to reserve places free of charge in the Seminary of Rome for students of Theology in this condition, and only, if there are not enough aspiring theologians, will students of the Lyceum be admitted to these places.

[*Latin ed. p. 709*]

LETTERS 709 can be granted. Furthermore, We desire that students from these places, even if not of Roman origin, may also be designated as such, provided that they belong to this Diocese by reason of their domicile. 3° Priests who come to Rome from Dioceses of Italy, at the request of their Bishops, either to complete their studies in Philosophy and Theology, or to be enrolled in schools of Canon and Civil Law in ecclesiastical Institutes, or for studies at the University, or even for practical experience in the Roman Congregations, must enter a certain Seminary or ecclesiastical College as students. 4° Foreign students, together with letters of recommendation from their Reverend Ordinaries, must find a place for themselves in the Colleges of their respective nations; if these are lacking, they must do so in another ecclesiastical College. 5° By virtue of these provisions, Clerics and Priests who are to exercise the office of prefects cannot be received in secular Colleges of the City, even though they are under ecclesiastical administration. It is regrettable that these Colleges must be denied to young students who perform such an office with ecclesiastical garb; but this necessity, for which the Directors of the individual Institutes will be able to provide at the appropriate time, must be preferred to the discipline of Seminaries in forming these young men in an ecclesiastical spirit. 6° In no Seminary or ecclesiastical College of the City can anyone be received as a student unless he presents a petition from his Ordinary, who, after the completion of his studies, or when for other reasons Superiors deem him to be dismissed, obligates himself to receive him in his own Diocese. The aforementioned petitions will be examined by Our Vicariate. 7° The Universities of Gregory and Minerva, the Roman Seminary and the Vatican, and the College of Propaganda Fide, cannot admit a Cleric or Priest as an ordinary auditor of lectures unless he presents written proof that he is a student of some Seminary or ecclesiastical College. For Roman Priests, written permission from this Vicariate is required. These provisions also apply to those who wish to practice in the Roman Congregations. 8° Whoever has not completed the fourth year of Theology, and has not presented proof thereof, and who, for three years, has been in some Seminary...

[*Latin ed. p. 710*]

710 A student who has not attended the ecclesiastical college will not be

Translated by churchlatin.ai, a product of Boyne Archives

able to be promoted to the priesthood. We communicate these dispositions to you, Most Eminent Lord, at the appropriate time, so that, with your enlightened zeal for the governance of our diocese, you may diligently ensure the strict observance of them in the coming academic year, notwithstanding any custom or privilege to the contrary. And we impart to you our most loving Apostolic blessing. From the Vatican, on the feast of St. Pius V, in the year 1904. PIUS PP. X. LETTER to the Reverend Wilpert concerning the excellent work published, "Le Pitture delle Catacombe Romane." PIUS PP. X. Beloved Son, greetings and Apostolic Blessing. We were greatly pleased, beloved son, by the excellent and truly great work recently published by you, entitled "Le Pitture delle Catacombe Romane," in which painted images of the ancient catacombs of Rome are described with remarkable skill and artistry, and which were collected with care and method; a copy of which you kindly presented to Us. This has given Us no small joy, for it testifies not only to your singular devotion to this See of Peter, but also leads Us to hope that abundant and excellent fruits will be yielded to the Christian Republic. For, indeed, when this work, which you undertook, as it seems, to demonstrate your profound knowledge of Christian antiquities and dogmas, brings to light the ancient rites of the Church, sacred public and secret matters, the customs and life of Christians, and other things pertaining to the Catholic faith and discipline, which until now have been almost obscured, and makes them conveniently accessible to the entire world, and transmits them to posterity, there is no doubt that those who see these things will understand how greatly the honorable art of painting has flourished since the earliest times of the Church, by the very followers of Christ; and with what care and diligence the Church, a most diligent cultivator of the liberal arts, has labored in preserving and maintaining these paintings.

[*Latin ed. p. 711*]

LETTERS. 711 How much religion and piety the first Christians showed in observing divine and ecclesiastical precepts and institutions. Therefore, this matter is readily available, from which the truth of the Catholic faith may shine more and more, and defend itself by its own nature, so that the sentiments of faith may be spontaneously aroused, and the perpetuity of these things to be done and believed may be confirmed, and the faithful may be inflamed to strive for better graces, even those who are strangers to the Catholic Religion, having laid down the weapons of error, may be captivated by admiration and veneration for the Roman Church. All these things, indeed, are no less for the protection and benefit of the Church than for its honor and glory, since through this work, to which you have devoted all your industry, diligence, talent, and learning, you have greatly contributed to the cause of Catholicism. For this reason, We most gladly congratulate you, beloved son, and bestow upon you the well-deserved

Translated by churchlatin.ai, a product of Boyne Archives

praises, and as a pledge of Our paternal approval and affection, We impart to you Our Apostolic Blessing, a sign of all graces. Given at Rome, near St. Peter's, on the 24th of May, 1904, in the first year of Our Pontificate. PIUS PP. X

LETTERS in which Pope Pius X congratulates the International Committee for the monument to the worker, Leo XIII.

TO OUR BELOVED SON, DOMENICO DEL TITOLO DI S. PRISCA DELLA S. R. C., REVEREND FATHER CARDINAL FERRATA, PROTECTOR OF THE INTERNATIONAL COMMITTEE FOR THE MONUMENT TO THE WORKER, LEO XIII, ROME.

PIO P. P. X.

Beloved Son, health and Apostolic Blessing. Not content to pay tribute for Ourselves, as We have not failed to do in many acts of Our supreme ministry, We offer the highest homage of obedience to the venerable and enduring name of [Leo XIII].

[*Latin ed. p. 712*]

712 Through letters from Our predecessor, Leo XIII, we are pleased to publicly commend those illustrious and diligent Associations, in which the grateful memory of so great a Pontiff is still alive and nobly upheld. While, therefore, the echo of the solemn ceremony still resounds joyfully in this city, by which the Catholic Workers' Associations recently dedicated a monument to the same Supreme Hierarch, We are greatly pleased to express to you, Lord Cardinal, and through you to the International Committee, the author of the project, Our particular satisfaction. This distinguished and honorable undertaking, which was not without its difficulties, was successfully carried out by the Catholic Associations: the entire world, with approving consent, testifies to this. It pleases Us, however, to find special comfort in this, not only for the remembrance of Him to whom so much homage was rendered, but also because the Christian worker, no less dear to Our heart than to that of Leo, has clearly demonstrated in this gathering how well he corresponds to the teachings of the Popes. Therefore, we gladly send our praise to the aforementioned Associations, and while we make the noble person of the esteemed General President of the International Committee, the Right Honorable Prince Marcantonio Colonna, a particular object of praise, assisted admirably by the members of the Committee itself, we impart, with all Our heart, the Apostolic Blessing (1) to you, to the members of the Committee, and to the members of the aforementioned Associations. Given at Rome, near St. Peter's, on this 17th day of June, in the year 1904, the first year of Our Pontificate. PIUS PP. X

(1) Moreover, desiring to give a sign of His benevolence to the International Committee for the monument to Leo XIII, Pope Pius X, through

Translated by churchlatin.ai, a product of Boyne Archives

letters from the Most Reverend Cardinal Secretary of State, which follow, decreed: "To the Most Esteemed Prince, "To nobly crown the excellent work of the International Committee for the "Workers' Monument in memory of the blessed Leo XIII, the Holy Father "has deemed it fitting to express His high satisfaction in this regard with a "Pontifical autograph directed "and sent to the Most Reverend Cardinal Domenico Ferraia, Protector of the "aforementioned Committee, and to dedicate to the same Committee a "Sovereign gift, which will increase "the importance and attractiveness of the lottery, which has been planned to cover "the expenses of the remaining accessory works. His Holiness has also deigned to... "

[*Latin ed. p. 713*]

713 ACTS OF THE ROMAN CONGREGATIONS FROM THE SACRED CONGREGATIONS OF THE HOLY OFFICE AND THE INQUISITION. A dispensation is granted from the Pauline intercession due to the infidelity of the bride. The Bishop of Burlington in the United States of America humbly prostrates himself before Your Holiness and explains the following: G. U., aged 50 years, residing within the limits of the aforementioned diocese, entered into marriage with Bertha S., while both were in a state of infidelity; from this marriage, four children were born who are still living. Eight years after the time of this marriage, Bertha showed many signs of insanity, to the point that it was no longer possible to live with her in a conjugal relationship, and she was therefore entrusted to a certain institution for treatment of this infirmity. "To confer the Crosses of the Knights of Saint Gregory the Great upon Mr. Annibale Monti of Cremona, and the Cross of the Order of Pius upon Mr. Architect Luigi Rosi of Rome, both of whom have deservedly earned this honorable award for having rendered their gratuitous services in the sculpting of the statue; and the latter has not been less worthy for having contributed, equally with generous effort, to the erection of the monument itself." Certain that if such attestations of Pontifical benevolence are returned to their rightful place by Your Excellency, who held the high office of General President in the aforementioned Committee, they will be rendered even more valuable, I take the liberty of sending them to you, and I seize this opportunity to reaffirm my sentiments of the highest esteem. Rome, June 20, 1904. With profound respect, I am, Your Obedient Servant, R. MERRY DFX V A X. To His Excellency, Mr. Marcantonio Colonna, Prince Assistant at the Holy See, Rome.

[*Latin ed. p. 714*]

714 FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION. After six years had passed, and with no hope of the woman's recovery, the man obtained a civil decree, by which it was declared that the marriage between G. and B. had been invalid from the

Translated by churchlatin.ai, a product of Boyne Archives

beginning, due to the aforementioned insanity, which several physicians held to have been caused by the injury she suffered when she was ten years of age. George then contracted a second marriage with a woman, Carolina C.P., who was baptized in another faith, while he himself remained an unbeliever. In this second union, G. still lives, and children have been born, of whom one child still survives. The dementia of Bertha, the former wife, has progressed to the point that she no longer recognizes her own daughter, and believes herself to be Queen Elizabeth of England. Now, George (twenty-nine years after his first marriage with Bertha, and fifteen years after his second marriage with the aforementioned Carolina), together with this wife and her entire family, with the exception of one person, have received baptism and embraced the Catholic faith; and for this reason, he earnestly requests that Your Holiness deign to grant him a dispensation from the previous marriage, which was contracted in infidelity with Bertha, by the highest authority. It is clearly established that George was never baptized, from the testimony of several entirely trustworthy witnesses, who, under oath, have stated that they have often heard his mother say that her son George was not baptized, and that she deeply lamented this fact. Furthermore, there is absolutely nothing written in the records regarding George's baptism, although all the records of others who were baptized at the same time are present. The diocesan court of the reporting Bishop holds the same opinion, as will be seen below. Regarding Bertha's lack of baptism, given the nature of the evidence, there is not absolute and equal certainty, although there seems to be moral certainty that she also never received baptism. Augusta, Bertha's sister, who was born eighteen years before Bertha, declared under oath that she has absolute certainty that her sister Bertha was never baptized, because they did not believe in any religion, nor did they profess the Christian faith. Therefore, it would be the highest degree of injustice for a natural marriage to have been contracted in infidelity between George and Bertha; otherwise, since George was certainly an unbeliever at the time of this contract, and Bertha was baptized, there would be no marriage due to the disparity of religion. These are the words of the matrimonial court regarding the case: It was declared by the Reverend Moderator of the Diocesan Court for the handling of...

[*Latin ed. p. 715*]

FROM the Sacred Congregation of the Holy Office and the Inquisition, number 715, concerning matrimonial affairs, it is stated that this Tribunal does not possess legitimate jurisdiction to determine this case (the case of George), but recourse must be had to the Holy See for a final judgment in this matter. However, this Tribunal is strongly inclined to the opinion that the weight of the evidence is in favor of the validity of the prior marriage, contracted in infidelity between the aforementioned persons, G. U. and B. S., due to the absence of baptism in both contracting parties. But since

Translated by churchlatin.ai, a product of Boyne Archives

George is now baptized in the Catholic Church, he has the right to summon his former bride, Bertham, and because of Bertham's unsound condition, it would be of no benefit whatsoever to summon her; therefore, this Tribunal is deeply convinced that it must make an urgent petition to the Holy See, so that It would deign to exercise Its supreme Apostolic authority to grant the dissolution of this marriage, contracted in infidelity, between George and Bertham, to the aforementioned petitioner, so that George may be able to enter into a second marriage, which he has already contracted with the aforementioned Carolina C. P., in a regular and valid manner. Therefore, this Tribunal implores the clemency of the Holy See in their favor, because they entered into this marriage in good faith, and since their conversion to the Catholic faith, from the time of their baptism, on August 20th, they have lived as brother and sister, without cohabitation, taking into account the judgment of the Holy See. G. has not had intercourse with either the first or the second woman after his baptism. The defender of the bond of matrimony approves and supports this opinion and petition. Therefore, having stated these things, the Bishop, presenting the supplication, requests Your Holiness to grant a dispensation from summoning Bertham S., so that the aforementioned George may be able to contract a valid marriage with Carolina, as mentioned in the prayers. Thursday, December 9, 1903. In the General Congregation of the Sacred Congregation of the Holy Office and the Inquisition, concerning the aforementioned supplication, after all things had been duly considered, and with the vote of the Most Reverend Consultors, the Most Eminent and Reverend Lords, Cardinals of the Holy Roman Church, General Inquisitors in matters of faith and morals, decreed: To petition Most Holy [Father] to grant a dispensation from summoning Bertham S., so that George may validly contract marriage with Carolina.

[*Latin ed. p. 716*]

716 FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS. Friday, in the fourth place, on December 10, 1903, His Holiness, Pope Pius X, by divine providence, graciously approved, in an audience granted to the Reverend Father, the Assessor of the Sacred Congregation, for the granting of this grace, according to the votes of the Fathers. Notwithstanding any objections. I, Canon Mancini, 5th Order, and Notary. FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS OF THE MINOR ORDERS, Concerning Minorite Missionaries in Colleges in America. Most Blessed Father, Several Superiors, entrusted with the direction of the Missionary Colleges in America belonging to the Order of the Seraphic Fathers Minor, have humbly prostrated themselves before Your Holiness, and present the following: The Apostolic Letters, in the form of a Brief, by which the Supreme Pontiff, Pius IX, on June 12, in the year 1877, wished to regulate the existing Minorite missions in America, under the title "Concerning the Admission and Dismissal of Missionaries

Translated by churchlatin.ai, a product of Boyne Archives

in Colleges," number LXI, permit Religious who have made their religious profession in a certain college, as if they were sons of the same, to, after ten years have passed from their solemn profession or their priestly ordination, as the case may be, for laymen or clerics, to transfer, observing the form of the General Constitutions, to another Missionary College or to another Province of the Seraphic Institute. However, in number LXIV of the same Apostolic Bull, it is stated that no one who has abandoned a Missionary College for any reason and at any time, may return to the College, unless with the sentence of the College of Discerning Fathers, with at least two out of three votes favorable to him. Nevertheless, the most recent General Constitutions of the Order of Friars Minor, already approved by the Apostolic See on May 15, in the year 1897, in chapter II, paragraph XII, number 83, prohibit Religious from entering into a union in a foreign Province, unless with the express permission of the Minister General.

[*Latin ed. p. 717*]

From the Decrees of the Holy Fathers and the Canons, 717: Let care be taken that [these matters] are considered, or at least that two years have elapsed in a new Province of this kind; hence, serious difficulties arise concerning the sons of Colleges, who, although they may tarry elsewhere, nevertheless, having completed two years, or before a definitive incorporation in another College or Province, sometimes request to return to the College to which their sons are still subject, according to the general laws of the Order. Therefore, the most humble Orators earnestly implore Your Holiness, so that, for the more effective attainment of harmony in this matter, you would deign to resolve the following doubts: I. Whether the votes of the Discerning Fathers of the College should be given solely for those of its sons who have already been definitively incorporated in another Missionary College or in another Province, and who request to return to their College; or whether also for those sons who desire to return to their College, although they may have tarried in another College or Province, but have not yet obtained a definitive assignment there? II. And, supposing that an affirmative answer is given to both parts of the preceding question: If a Religious, requesting to return, does not obtain two favorable votes out of three parts of the votes, to which College or Province should he then be considered assigned? And God, etc. The Holy Congregation for the Affairs of Bishops and Regular Canons of the Holy Roman Church, having considered the matters presented, judged that a response should be given to the aforementioned doubts, as follows: To I. Affirmative to the first part; negative to the second. To II. As provided in I. Given at Rome, from the Secretariat of the same Holy Congregation, this day, March 1st, 1904. D.

Translated by churchlatin.ai, a product of Boyne Archives

CARD. FERRATA, Prefect. L. * S. PH. GIUSTINI, Secretary.

[*Latin ed. p. 718*]

718 FROM St. G., BISHOP AND REGULATOR OF ST. HIPPOLYTE. The Bishop, during a canonical visitation, cannot demand an inspection of the missals and other liturgical books used in the churches of the Order of Friars Minor.

Most Reverend Father, the Guardian of the Friars Minor residing and belonging to the regular province of St. Bernard in Austria, within the Diocese of St. Hippolyte, after first kissing the sacred feet of Your Eminence, humbly explains: The Ordinariate of the aforementioned Diocese, unlike the ecclesiastical province of Vienna to which the Bishopric of St. Hippolyte belongs, and indeed contrary to the custom hitherto peacefully observed in that Diocese, demands that the religious of the Order of Friars Minor residing in the convent of that city present to him the missals and other liturgical books used in the monastery, and furthermore, that they provide an accounting of their use, and this, with regard to the parish which the brothers of the Order of Friars Minor have attached to the monastery there. However, since this matter concerns the parish and the jurisdiction of the Bishop in no way, and since there is no mention of applying the Mass for the benefit of the people or of fulfilling other parochial obligations; the Guardian, and not the Diocesan Ordinary, but the Regular superiors, must, according to the Apostolic Constitutions and the general laws of the Order, present an accounting of the liturgical books at the appropriate time. In this place, it is sufficient to mention that the Constitutions of the Apostolic See and of the Seraphic Order, which entrust to the Regular superiors the oversight of the celebration of the liturgical services, are observed, and that the Diocesan Ordinary has therefore been relieved of this concern. It is fitting here to cite the authority of the most illustrious Angelus Lucidus (1), who, along with other authors and canonists, in the work *De Visitatione Sacrorum Liminum*, in Rome in the year 1866, speaks on this matter in Volume II, Chapter IV, Appendix III, number 95, xi, concerning those who are Regular and are in no way subject to the Bishops: "They (the Bishops) cannot compel them (the Regulars) to present the books of the sacristy, in which are noted the celebrations of the Masses, so that it may be ascertained whether the obligation due has been fully satisfied." (1) Or, more accurately, Giraldi (Jus Pont., part. I, lib. i Decret., tit. 31, De officio Iudicis ordinarii, sect. 91, Appendix III, n. XI), from whom Lucidus himself took these words verbatim (N. R.).

[*Latin ed. p. 719*]

"From the Most Holy Congregation of Bishops and Regulars, S.R.E., established for the affairs and consultations of Bishops and Regulars, after mature deliberation concerning the doubt presented by the Superior of the

Translated by churchlatin.ai, a product of Boyne Archives

Convent of the Brothers Minor in the city of St. Hippolytus, it was ordered that the following be answered: 'Write to the Ordinary in this manner. The meaning is that the exemption from episcopal jurisdiction pertaining to the Brothers Minor of St. Francis extends also to the manual Missals; therefore, the Bishop, during a canonical visitation, cannot claim any inspection of the books of the manual Missals in the parish of the Brothers Minor in this case (1).' May 11, 1904. D. CARD. FERRATA, Prefect. L. & S. Ph. GIUSTINI, Secretary. (1) Although this decision, by its very nature, concerns the parish churches of the Order of the Brothers Minor, nevertheless, due to the identity of the reason, it is valid for all parish churches of Regulars and others who enjoy an exemption from the jurisdiction of the Ordinary by privilege."

[*Latin ed. p. 720*]

720 FROM THE EDICT OF THE BISHOP AND ROYAL LAW OF FLORENTINA REGARDING EXPULSION. Account of the facts. On December 11, 1903. A priest, N. N., from a foreign diocese, claims to have received letters of excardination from his own bishop, and in the year 1894 he came to Florentina, where he was appointed as a coadjutor in a parish, and he requested incardination from the now deceased Archbishop of Florentina, which, according to him, he obtained. However, in the year 1902, the Florentine Curia ordered the aforementioned priest to leave the Archdiocese within a month and to return to his homeland, threatening him with greater penalties in case of disobedience. The reason for this order, according to the Curia, was that the aforementioned priest was not incardinated in the Archdiocese, and that there were also serious reasons against him. However, the priest N. N. appealed to the Holy Congregation, claiming that he was incardinated in the Florentine Archdiocese, and therefore he could not be expelled from it without a canonical process. The Advocate of the Curia attempted to demonstrate that the priest N. N. had never been incardinated in the Florentine Archdiocese. And, above all, he noted that the aforementioned priest had not in any way proven his incardination in his own Archdiocese; indeed, no document concerning the alleged incardination exists in the Curia. Therefore, in order for it to be maintained, it is necessary to appeal either for the revocation of the decree or for an oral incardination. Indeed, the advocate vehemently refuted the former hypothesis, which would unjustly and rashly accuse the Curia of negligence and disorder, since not even the beginning of proof regarding the existence of a decree of incardination is to be found, rather the contrary is entirely the case.

[*Latin ed. p. 721*]

FLORENTINA, 721, establishes one fact. The other [argument] demonstrates ineffectiveness, since there is no trace of the Archbishop's intention

Translated by churchlatin.ai, a product of Boyne Archives

to incardinate, except for the assertion of one witness, whom, moreover, it is alleged harbors suspicion. On the contrary, the Decree of the Holy Congregation of the Council of July 20, 1898 (1), which prescribed that incardination should be done in writing, although it does not enjoy retroactive effect, nevertheless demonstrates a pre-existing principle, namely, that for incardination to be considered valid, it must be certain that the intention of the incardinating authority existed. Furthermore, the indications in favor of the incardination, according to the defender, are not valid, namely, that the Priest N. N. resided in Florence for several years, exercised sacerdotal functions, and held the office of Vice-Parish Priest; for other Priests reside in Florence without being incardinated in the Archdiocese, and the faculty of exercising sacerdotal functions, such as preaching and hearing confessions, is granted even to those outside the diocese, provided they are worthy; moreover, the office of Vice-Parish Priest is of a nature that is removable and therefore revocable at the will [of the superior]. But there are indications of greater weight that are contrary to the incardination. All other things being omitted, shortly after the alleged incardination, when the Priest N. N. was called to administer sacramental confession in a situation of danger, he himself signed in the records of the Curia that he was a Priest of another diocese, and that designation was always retained thereafter. Then, the advocate proceeds, noting the removal of the aforementioned Priest, since there is no incardination, a canonical cause cannot be regularized through a formal process, otherwise the condition of a Priest from another diocese would be equal, or even better, than that of a diocesan Priest. Indeed, diocesan Priests cannot be dismissed by the Diocese, nor can they leave without the permission of the Curia; on the contrary, Priests from other dioceses, although they cannot be expelled from the Diocese, can nevertheless freely leave it without the permission of the Curia. But, the defender argues, it cannot be objected that the Decree sent by the Holy Congregation to the Bishops on December 17, 1839 (2), (1) Cf. Acta S. Sedis, vol. XXXI, page 49. (2) This Decree concerning Clerics from other dioceses is reported by Bizzarri in Collectanea Acta, Vol. XXXVI, page 431.

[*Latin ed. p. 722*]

722 FROM THE SACRED CONGREGATIONS, EPISTOLARY AND REGULATORY: This does not merely not include the necessity of canonical proceedings, but rather explicitly excludes them. It is stated that it is not within the power of the Bishop arbitrarily to admit or dismiss foreign clergy, precisely because they are foreign, that is, because they do not belong to his diocese, unless other reasonable causes suggest their removal. Therefore, a reasonable cause is sufficient to expel a foreign cleric, which, as clearly appears from numerous and serious accusations, in this case is not merely reasonable, but also strictly conforms to canonical judicial forms. Furthermore, the Advocate continues, the decision of the Holy Sacred

Translated by churchlatin.ai, a product of Boyne Archives

Congregation, dated March 6, 1846, in Spoletana (1), which is found in S. C. EE. et RR., page 89, edition 1885: "It has come to the knowledge of His Holiness that 'in some dioceses... there is a danger that the principle will be introduced that 'it is within the power of the Bishops to exclude and not receive in their diocese foreign clergy solely for the reason that they do not belong to those dioceses.' 'The Holy Father, aware of the consequences that could result from this, and wishing that no innovations be introduced in a matter so delicate, has requested that the aforementioned opinion be examined, and after consulting with some of these Eminent Fathers, has not been able to find the principle in question to be well-founded, while far from being supported by the law, it is indeed contrary to it, when other reasonable causes do not advise the removal of foreign clergy. He has therefore ordered this Sacred Congregation of the Most Eminent and Reverend Fathers to communicate to Your Eminence this pontifical declaration, so that, in your capacity as Metropolitan, you may inform all your suffragans through a suitable circular, so that it may serve as a rule to be followed in similar cases.' 'Rome, December 17, 1839'." (1) Bizzarri, in his Collectanea S. C. EE. et RR., page 532, edition 1885, reports the cited case as follows: "Spoletana - Concerning the confirmation or revocation of a decree of expulsion. 'A certain priest, N. N., was compelled to leave Rome in 1822 due to certain procedural conclusions, and he went to the town of Montisfalchi, where he resided for about ten years. From there, he moved to the neighboring town of Cannajola, where he has lived continuously until September 1843. 'The Archbishop of Spoleto, whose jurisdiction those towns are subject to, on August 12, 1843, by a formal decree, ordered the aforementioned priest to leave that Archdiocese no later than September 15 of the same year, under penalty of suspension from divine offices, which would be incurred in the event of transgression. 'The priest, having received this decree, considered that he had peacefully resided in that diocese for about twenty years, that he had acquired property and even a house in the town of Cannajola, and that he had committed no crime, although he obeyed the order, and requested to be received into the diocese of Fulginata; nevertheless, at the same time, he requested that he be admitted to defend himself, both before the Curia of Spoleto and before the Holy Sacred Congregations."

[*Latin ed. p. 723*]

FLORENTINA 725 should not be the case. For there, the matter concerned a certain Presbyter, who had resided in the Diocese of Spoleto for approximately twenty years, had acquired property, and even a house, and furthermore, "presented documents by which he demonstrated that he truly resided in said Diocese, and that these claims, contrary to the said Priest, were not supported either in law or in fact, which were alleged against the aforementioned Priest by the Archbishop." But in

Translated by churchlatin.ai, a product of Boyne Archives

our case, there are not only reasonable, but also urgent reasons why the Priest N. N. should be expelled from the Archdiocese of Florence. Conversely, the defender of the Priest N. N. observes that, before the year 1898, the aforementioned decree of the Sacred Congregation was issued. "From the earliest centuries of the Church," neither canon law nor the Doctors speak of incardination and excardination, and much less of the matter. "Regarding the petition of Priest N. N., the Archbishop of Spoleto responded, that he, who had already been expelled from the venerable City, should vainly complain of the broad precept against him, 'since he is not a diocesan, he does not have a domicile in the Diocese of Spoleto, and he is scandalous.'" "The Sacred Congregation twice admonished the Archbishop to tolerate the aforementioned Priest in his Diocese, since, from the transmitted records, it did not appear that there was any account of his scandalous life." "But if he had more serious reasons for the expulsion, he should order his Curia to conduct a process, and proceed according to law." But neither pleased the Archbishop; therefore, the Holy See, by rescript, granted permission to Priest N. N. to return to the Diocese of Spoleto without incurring suspension, and to remain there for two months: and added the clause, "Meanwhile, he should present his rights regarding the merits of the case to the Sacred Congregation." "But the Archbishop remained silent, despite the admonitions of the Sacred Congregation." But Priest N. N. presented his rights to the Sacred Congregation, and presented documents by which he demonstrated that he truly resided in said Diocese; and that these claims, contrary to the said Priest, were not supported either in law or in fact, which were alleged against the aforementioned Priest by the Archbishop; and that it is unlawful to deprive a citizen of his domicile without serious reasons, as legally proven. "With all these documents and the arguments of the parties presented, after careful consideration by the Most Reverend Fathers, the following question was proposed at the general Congregation held on March 6, 1846: 'Should the decree of expulsion, as read in summary number 1, against Priest N. N., be confirmed, or rather, should it be revoked?' The Most Reverend Fathers, with the Most Reverend Acton presiding, wrote: 'Negatively to the first part; Affirmatively to the second part, and furthermore, from March 6, 1846.'"

[*Latin ed. p. 724*]

724 From the Decrees of the Sacred Congregation of Bishops and Regulars, concerning matters pertaining to the same, (Cf. Gasparri, *De Sacr. Ordin.*, vol. 2, no. 810), just as Clairac, without a bishop, is not considered to be under the jurisdiction of any diocese, as taught by Benedict XIV (*De Syn. Dioec.*, book XI, chapter 2, nos. 4 and 7) and the Council of Trent (*Sess.* XXIII, chapter 16), and furthermore, it is concluded that Clairac, after having obtained from his own Ordinary a letter of excardination, is

Translated by churchlatin.ai, a product of Boyne Archives

to be considered as belonging to that diocese in which he was received by a benevolent bishop. Therefore, the aforementioned priest, who obtained from his Ordinary a letter of excardination, must be assigned to the Archdiocese of Florence, where he performed priestly duties for approximately eight years. The aforementioned Decree of the Sacred Congregation of the Council, entitled "From the earliest centuries of the Church," dated July 20, 1898, does not apply to this matter, either because it concerns the reception of sacred orders, adding a new title of ordination to the existing four, or because it is not a simple declaration or extension of existing law, but establishes a new law, as is evident from the text and context: "Indeed, in our times, frequent occasions for contention have arisen." And as Lega expressly states in his treatise *De Iudiciis*, when speaking of the Decrees of the Holy Congregations which have the force of law, he cites this Decree, which precisely establishes several things that were previously not contained in common law. Laws, however, do not have retroactive force by themselves, and therefore the Decree of the Sacred Congregation of the Council does not apply to the priest N. N., who obtained incardination in the year 1895. But, the advocate adds, even admitting the concept of incardination as presented by the Decree of the Sacred Congregation of the Council, which, indeed, is a perpetual dismissal of the cleric from his own diocese and his reception into another by the authority of the Ordinary, excardination does not have its effect unless it is preceded by incardination; but in this case, the priest's own bishop granted him excardination, and the Archbishop of Florence knowingly and willingly received and retained him. Therefore, it must be concluded that the priest N. N. was incardinated in this Archdiocese, unless we wish to admit the concept of a cleric without a bishop.

[*Latin ed. p. 725*]

FLORENTINA 725. Indeed, either explicitly or implicitly, the will of the deceased Archbishop of Florentina reveals his intention to incardinate the aforementioned priest. For the parish priest, under whose care the Reverend N. N. serves as coadjutor, and who is considered by all to be of the highest merit, has declared that the deceased Archbishop had declared him incardinated in his own Archdiocese; which is confirmed by a certain letter from the former Vicar General of the same Archdiocese. Furthermore, the will of the esteemed Prelate implicitly reveals itself through the full and unconditional jurisdiction he exercised over the aforementioned priest. For he granted him a chapel, which possesses the nature of a true and proper benefice, and is suitable for establishing a title of Holy Orders, as is evident from the Leopoldine laws themselves, which established it, as well as from the Florentine Curia itself, which declared that it had taken care of it before the Italian Government. This is perfectly in accordance with the method of the same Archbishop, namely, not to incardinate outsiders, except through

Translated by churchlatin.ai, a product of Boyne Archives

the granting of a residential benefice. Another reason for demonstrating the implicit will of the deceased Archbishop is found in the approval that he granted to the priest N. N. to give sacred discourses both within the Diocese and outside of it, as well as in the granting of a leave of absence of two or three months, in the same manner and form as other diocesan clergy. Nor has the actual Curia behaved differently with regard to leaves of absence until this present controversy; therefore, it must be said that it at least implicitly recognized the aforementioned priest as belonging to its own clergy. Moreover, the advocate observed that no document of incardination could be found in the Florentine Curia; indeed, it is possible that during the transfer of the Archives to the new building, it was lost along with other documents that certainly perished at that time; or, more likely, that no decree of incardination is to be found in the Curia. Furthermore, the second advocate adds, even if it were granted, and this is not conceded, that the incardination of the priest N. N. is not substantiated, it is still never permissible for the Archbishop to expel him arbitrarily from his own diocese without a regular process. For, according to De-

[*Latin ed. p. 726*]

726 FROM THE SUPREME SACRED CONGREGATION, a decree addressed to the Bishops, dated December 17, 1839, established the principle that it is within the power of Bishops to admit or not admit clergy from other dioceses within their own dioceses, solely on the grounds that they do not belong to that same diocese. This is not only not in conformity with the law, but is indeed condemned by it, unless other reasonable causes suggest the removal of clergy from other dioceses. This decree was certainly not abrogated by the subsequent Sacred Congregation, dated December 22, 1891 (1), either because it is specific to Rome alone, or because it also allows clergy from other dioceses to remain in Rome, who retain a benefice or office, or who have resided there for a long time with the tacit or express permission of their own Ordinary. Indeed, the decision of the Sacred Congregation in the aforementioned case from Spoleto, dated March 6, 1843, is relevant, in which the decree of expulsion of the Bishop of Spoleto was revoked, because, although the domicile of the priest was established in that case, it was not established that his life was scandalous. Furthermore, the advocate argues that the Sacred Congregation could not have decided otherwise in the case presented, nor can it do so in the present case, because, as stated in the aforementioned decree from Spoleto, "it is contrary to law to deprive a citizen of his domicile without serious reasons, as must be proven by law." In the present case, the priest N. N. has his domicile in the Archdiocese of Florentina, as he has resided there for eight years and intends to remain there permanently. Indeed, "a domicile is considered established as soon as someone, by word and deed, declares that he intends to remain permanently in a certain place; hence, more weight is given to the

Translated by churchlatin.ai, a product of Boyne Archives

intention of establishing a permanent residence than to the length of time of the residence itself" (Santi, Praelectiones, vol. II, lib. II, 'tit. II, de for. com* pet. n. 9). Furthermore, the priest N. N. holds a residential benefice. Moreover, the advocate adds that the accusations against him are not proven according to the law, because the Florentine Curia refused to conduct a canonical process (1).

(1) Cf. Acta S. Sedis, vol. XXVII, page 373.

[*Latin ed. p. 727*]

FLORENCE. For this reason, because he himself was not a diocesan priest. On the contrary, it is at least certain in criminal cases that the competent forum is that where the crime was committed; "as Saint [Thomas Aquinas] says in the cited passage, he who has committed some crime is subject to the jurisdiction in the place of the crime, even if he resides elsewhere." To further demonstrate the necessity of a formal process for the advancement of justice, the patron asserts that the accusers and witnesses against the aforementioned priest have only presented calumnies, and that he has presented contrary testimonies which amply demonstrate the good reputation and honesty of the same priest. Therefore, he concludes that the decision of the Ordinary of Florence cannot be upheld. The following questions are raised: 1. Whether the priest N. N. is incardinated in the Archdiocese of Florence in this case. And to this, the answer is: No; 2. Whether the decision of the Ordinary of Florence regarding the removal of the priest N. N. in this case can be upheld. After carefully considering all matters, the Fathers have given the following answers: To question 1: No. To question 2: Affirmative, and in accordance with the will of the Most Holy College of Cardinals. 1. S. C. [Sacra Congregatio] [Consilium] of the Council, in order to restrain the institution of incardination and excardination, which has been widely adopted in many places and which has often led to controversies and abuses, within certain limits, decreed on July 20, 1898 (1): "Incardination must be made by the Bishop not verbally but in writing, absolutely and perpetually... and this incardination cannot be valid unless it is first established by a legitimate document that a cleric has been permanently dismissed from his diocese, and excardination cannot be valid unless incardination in another diocese has been requested." (1) Cf. Acta S. Sedis, vol. XXXI, page 49.

[*Latin ed. p. 728*]

728 FROM S. C. EPISCOPAL AND REGULATORY DECREES, 2nd part. However, in the case concerning incardination, the aforementioned Decree precedes, and since the law, by its very nature, does not possess retroactive force, according to the norms of the ancient law, which are especially contained in the Council of Trent, the matter must be entirely judged accordingly. 3°. The Council of Trent (Session 23, chapter 16 on Reform) desiring

Translated by churchlatin.ai, a product of Boyne Archives

to restore ecclesiastical discipline, which had been approved by the sixth Council of Chalcedon and had completely collapsed due to the ravages of time, decreed, adhering to its principles: "that in the future, no one shall be ordained unless he is assigned to that church or pious place, for whose necessity or benefit he is received, where he shall perform his duties, and he shall not wander about in uncertain places." 4°. Clergy are considered assigned to a specific church or pious place either through the sacrament of ordination, or through the canonical institution of a benefice, or even through oral incardination, which must be certain. 5°. However, in this matter, neither oral incardination itself is approved, nor is the office of a parochial coadjutor truly and properly a benefice, but rather a provisional one, and subject to revocation (1). 6°. Furthermore, especially from the reported case from Spoleto, dated March 6, 1843, it is clear that foreign clergy, residing for a longer period in a different diocese, cannot be expelled from it except for serious reasons, for which the Bishop is obliged to present a petition to the Holy See. 7°. And in this case, the Archbishop of Florence appears to have presented just causes for the expulsion of the priest N. N. (1) S. C. In its most recent letter to the Archbishop of Paris, dated June 9, 1903 (cf. Acta S. Sedis, vol. XXXVI, p. 233), states that parochial coadjutors are, by their very nature, removable, so that "not only for reasons of fault and disciplinary causes, but also for the sake of opportunity and the greater good of the Church, they can be transferred by the judgment of their Ordinary from one place to another, without being able to bring a complaint of injury or damages." For the matter, also consult the case of Rottemburgen, dated March 26, 1886, reported in Acta S. Sedis, vol. XIX, p. 87, in which a certain priest was deemed not to have been assigned to the clergy of Rottemburgen, both because there was a lack of explicit consent from the Bishop during incardination, and because he had been appointed to the care of souls in a provisional manner.

[*Latin ed. p. 729*]

729 FROM THE HOLY CONGREGATION OF THE COUNCIL OF CAIACEN. Indult. Concerning a particular custom, dated February 27, 1904. In the diocese of Caiacen, a remarkable custom prevails, by which the Bishop is obligated to attend the choral services of his Cathedral church, just as the other canons; therefore, he participates in the chapter revenues, and is also subject to the choral penalty (punctura) for all his absences from the choir. The reason for which he was, from ancient times, admitted to the chapter revenues is found in the great responsibility of the episcopal office to provide for the needs of the diocese. Furthermore, all revenues, and not merely one-third thereof, are subject to the choral penalty. However, the current Bishop, due to more serious and innumerable pastoral duties, is unable to attend the choir with the due regularity, and must also attend to all the needs of the diocese; therefore, on June 5, 1903, he petitioned

Translated by churchlatin.ai, a product of Boyne Archives

that, during his lifetime, he be excused from the choral penalty, or that he be granted an indult similar to that of a canon who is excused from the choral services, always bearing in mind the obligation to participate in the choir whenever he is not hindered by other pastoral duties. Moreover, the Chapter, in response to this request, reports to the Ordinary of Caiacen that, according to ancient custom, even during the canonical visitation of the diocese, the Bishop is also subject to the choral penalty, because he enjoys the revenues of the canons when he is present with the choir; and this is indeed true, as two of the most recent Bishops have obtained from the Holy See a dispensation from the choral penalty. Contrary reasons are found in the canonical laws pertaining to this matter, especially the celebrated decree of Boniface VIII (Cap. un. de Cler. non resid. in VI): « Consuetudinem... »

[*Latin ed. p. 730*]

750 FROM THE DECREES OF THE COUNCIL, it is decreed that those canons, or clergy of cathedrals, who, although present in cities or other places, do not participate in the divine offices, nevertheless receive in full the daily distributions (which are otherwise called manual benefits or provisions, and are granted only to those who reside there), as if they were continuously serving in those churches in the same offices. We decree, therefore, that these daily distributions consist of whatever things are provided for the canons of the aforementioned churches, who are engaged in the same offices in those churches. But whoever receives anything else concerning these distributions (except those for whom infirmity, or a just and reasonable bodily necessity, or evident benefit to the church, would provide an excuse), shall not acquire ownership of such things, nor shall he make them his own; rather, he shall be obligated to restore to all that which he has received contrary to this Our Constitution. This decree, the Council of Trent (Session 24, chapter 12, on Reform) ordered to be observed, notwithstanding any statutes and customs; indeed (Session 21, chapter 3, on Reform), it commanded that in churches in which distributions were not established, or were so meager that they were considered insignificant, one-third of all revenues and fruits from the prebends and benefices should be set aside for daily distributions, granting to the Bishops the power to proceed even as delegates of the Apostolic See. And the Holy Council itself declared on several occasions (as in Farfa, December 20, 1738) that the doctrine concerning distributions must also be adapted to the circumstances. Regarding the exemption from the choir and from residence due to evident benefit to the church, it is helpful here to note what Ferraris writes (v. Distributiones, art. 2, n. 7): "Evident benefit to the church is understood as the benefit to the particular church concerning whose distributions we are speaking, and not to another particular church, nor to the general church." Fagnanus teaches the same (lib. III Decr., cap. Licet, n. 160). Hence, Ferraris (loc. cit.)

Translated by churchlatin.ai, a product of Boyne Archives

states: "A diocesan canon, while absent due to the visitation of his diocese, does not receive the daily distributions."

[*Latin ed. p. 731*]

GAIACEN. 731 also does not receive the daily distributions, the Vicar General, when absent from the choir due to the demands of his office; and Ferraris, (loc. cit. n. 24) cites several resolutions of the Holy See's Congregation. Furthermore, the case of Tranen is relevant. - distr., 20 December 1862. B, on the contrary, receives the daily distributions, the Canon being absent from the choir due to the service related to his canonical duties, as if he were present, as is evident from the Council of Trent (Session 22, chapter 3, on Reform). Therefore, in order for the Bishop to be considered present in the choir while absent, it would be necessary for him to be absent solely due to the demands of his canonical office, and not due to the demands of his episcopal office, or to be engaged in affairs of the cathedral or chapter. The argument presented by the Bishop regarding the parish priest is not valid. Indeed, the parish priest is absent for the benefit of his own parish, to which he serves as a canon; but the Bishop is absent for the benefit of his own diocese. Hence, Benedict XIV (Instit. Eccl. 107, n. 56) states: "He who holds a parish benefice attached to his canonry, but is required to reside outside the city in the parish, is considered present in the choir for the time that he resides in the parish and ministers there, so that he receives the fruits, but not the daily distributions. This was established by St. Pius V, and Fagnanus and Gonzalez wisely point out." Therefore, just as a canon who is also a parish priest is not subject to deductions from his benefice when absent due to the demands of his parish duties, so too the Bishop-Canon should be penalized by the loss of distributions when absent from the choir due to the demands of his episcopal duties. Furthermore, it must be considered that the Bishop requests to be considered personally present in the choir during the time that he is engaged in the pastoral care of his diocese, but also in the manner of a canon, as often as he devotes himself to his episcopal duties. Truly, this request seems excessive, and to the detriment of the choir, and also of the canons, to whom the deductions for absences are assigned. It cannot be said that the custom prevailing in the Chapter...

[*Latin ed. p. 732*]

732 From the Council of Jaca, it is contrary to the law to allocate all canonical revenues to daily distributions, reserving no portion of the fruits of prebends for those legitimately absent; for the Council of Trent (Session 22, chapter 3, on Reform) commands that one-third be spent on daily distributions, and does not disapprove of the statutes of Chapters in which all revenues of benefices are included in the distributions. The reason is that the distributions, by which the brethren are assessed, were instituted and

Translated by churchlatin.ai, a product of Boyne Archives

established by law to encourage the diligent, the constant, and those who are slow to serve, so that they might be diligent in their choral service, and according to the Council of Trent (Session 21, chapter 3, on Reform), "that in no way may the divine worship be diminished, but that to it all things may be subject."

On the other hand, it may be argued that a canon of the Church, when engaged in pastoral duties, cannot, by law, be considered privileged in receiving daily distributions, such as a canon theologian, a penitentiary, or a parish priest who cares for his own church, when they are performing their office; however, it seems that there are weighty reasons why such a concession should be granted to a bishop by Apostolic benevolence. And that such grants of exemption from assessments are granted by the Holy See Congregation, apart from the usual practice, is also taught by the case of *Dubia - Indultorum*, May 6, 1820. These grants are sometimes given with the clause of lost daily distributions, and then, if all revenues consist of daily distributions, the recipient of the grant loses only one-third; but if, in addition, the clause is added that only the distributions among the present are lost, then the recipient of the grant receives all the daily distributions. These grants of the second type are not infrequently found in the Holy See Congregation; thus, a grant was made to the Bishop of Jaca on March 4, 1899, for his canons during the visitation of the diocese, in whose grant was added:

[*Latin ed. p. 733*]

CAN. 733: The clause concerning the loss of distributions applies only to those present. Indeed, it is clear from special circumstances present in the case that the granting of this dispensation is appropriate, especially considering that the distributions of a canonry are intended for the Bishop as a supplement to his proper sustenance, the revenues of which are very meager. Therefore, just as a canon, by right, receives daily distributions when he undertakes the care of souls in his church, so it seems very fitting, by a benevolent concession, that the Bishop, devoted to the pastoral care of his diocese, may receive the daily revenues of his canonry. Nor should it be feared that the Bishop will abuse this dispensation; this can be prevented by adding the clause: "provided that the Bishop's conscience is burdened by the precise necessity of being absent due to the aforementioned reason." Furthermore, the time of the concession could also be limited, even if the Bishop requests that the grace be granted to him during his tenure. Finally, the Bishop requests that he be granted a dispensation similar to that granted to a jubilant canon. This request appears to be made in such a way that he himself should be considered personally present in the choir only in order to receive the distributions, and not with regard to other privileges pertaining to jubilant canons, since he immediately adds: "provided that his conscience is burdened regarding the obligation to attend the choir,

Translated by churchlatin.ai, a product of Boyne Archives

whenever he is not hindered by pastoral duties." It is known that jubilant canons are entirely exempt from the service of the choir. Wherefore, etc. And the Sacred Congregation of the Council, having carefully considered this petition, on February 27, 1904, graciously responded: "For the grace requested, with the loss of distributions among those present, only, provided that the Bishop's conscience is burdened by the necessity of absence, during his tenure."

Therefore, O Lord. Distributions from the choir are received only by those canons or clerics who are present at the divine offices, and not...

[*Latin ed. p. 734*]

734. According to the Sacred Canons concerning liturgical matters, and notwithstanding any contrary custom, those are excused who are excused by infirmity, or by a just bodily necessity, or by evident benefit to the Church. 2°. However, an evident benefit to the Church does not extend to any particular church, or even to the universal Church, but is limited only to the particular church to which the choral service is owed. 3°. Therefore, a canon, whether theologian, penitentiary, or even parish priest, who nevertheless has the care of souls attached to the canonry, receives the distributions. 4°. On the contrary, a vicar general and a parish priest whose care is separate from the canonry lose the distributions; and likewise, the bishop canon loses them, if his pastoral care is not certainly attached to the canonry. 5°. But in the case of the present Bishop of Caiace, to whom, considering the great need of the diocese and the exemption from tithes granted to his two predecessors, the grace of receiving the daily distributions has been granted whenever he is actually engaged in the Sacred Visitation and pastoral office, burdened as he is with this duty, and having lost the distributions among his predecessors. FROM THE SACRED CONGREGATION FOR RITUAL. Decree concerning the Beatification, or declaration of martyrdom, of the Venerable Servants of God, Francis Gil de Federich, Matthew Alonso Leziniana, Hyacinth Castañeda, Vincent Liem a Pace, priests of the Order of Preachers, who were killed by idolaters in hatred of the Catholic religion. CONCERNING THE DOUBT: "Whether it is established that there was martyrdom, and for what reason, and also whether there are signs, or miracles, in the case and to the effect of which we are speaking?" To our Catholic Faith, which is being undermined by many due to long-standing plots and accumulated accusations, a great...

[*Latin ed. p. 735*]

From the Sacred Rituals, 735, indeed, strength is added by the unwavering constancy of the martyrs, even to the shedding of blood for the sake of defending the cause of Christ. For the minds of the sons are strengthened as the triumphs of the fathers are recounted (Eucher. Lugdun., Horn, on

Translated by churchlatin.ai, a product of Boyne Archives

the Holy Peter and Paul). And as Cyprian says: "The virtue of martyrdom is so great that even he who wished to kill is compelled to believe through it" (Book V, epistle I). These examples of fortitude and the same incentives to virtue have been repeatedly demonstrated by valiant members of the Dominican Family, who diligently labored for a long time in sacred missions, their efforts bearing abundant fruit. Today, the Institute is illuminated by a new cohort of martyrs, worthy of the honors of the Blessed in Heaven. These are the Venerable Servants of God, Francis Gil De Federich, Matthew Alonso Leziniana, Hyacinth Castañeda, and Vincent Liem a Pace. The first two, Francis Gil De Federich and Matthew Alonso Leziniana, were both Spaniards, who, still young in the Order of the Preachers, were inflamed with a fervent desire to travel to distant and barbarous lands, to bring the light of the Gospel to those blinded by the darkness of error, and, having fulfilled their vows, they went to the religious Province of the Most Holy Rosary in the Philippines, in the Islands. Then, having embarked on a journey to Tunquin, they subjected themselves to so many dangers and endured so many adversities, that they confirmed the judgment that martyrs are made only from those who have been exercised by many tribulations beforehand by God, and as it were, prepared for martyrdom (Corn. a Lap., on the epistle to the Hebrews, XII, 2). Christian religion having long been proscribed in Tunquin, Francis first experienced ethnic cruelty, enduring for a long time the squalor of prison, the weight of chains, the insults of soldiers, and prolonged vexations. Shortly after, Matthew followed him, who was eager to emulate him in seeking the same punishment. Having been condemned to perpetual imprisonment, he steadfastly declared that he wished to be joined with Francis and to be beheaded with him. When this vow was fulfilled, both, carrying the cross in their hands, were led to the place of execution. There, having repeatedly professed their faith in Christ, and encouraging others to adhere sincerely to Him, they were beheaded with a single stroke of the sword on the eleventh day before the Kalends of February, in the year 1745. Less than six decades after this triumph, another noble deed was performed for the Dominican Family by Brother Hyacinth Castañeda, a Spaniard, and Brother Vincent Liem a Pace, from Tunquin, who adorned their Order and the Church with new crowns. One of them, Hyacinth, after five years of apostolic work in Tunquin,

[*Latin ed. p. 736*]

736 Having diligently and piously observed the prescribed rites, and finally apprehended, and deprived of food and drink for two days, he was dragged hither and thither and brought before the magistrate. From there, he was thrust into a small, narrow, and low-ceilinged cell, so that there was neither room to stand nor to lie down. Not long after, his companion in labors and suffering, Vincent, was likewise thrown into a similar pit, with similar inhumanity. Soon after, they were brought before the king, and in

Translated by churchlatin.ai, a product of Boyne Archives

his presence, with unwavering spirit, they professed the Catholic Faith, and were condemned to the capital punishment. And Hyacinth, holding up the Cross, with fervent prayers and reciting the Creed of the Apostles, was beheaded on the 7th of November, in the year 1773. Vincent, however, to whom an opportunity to escape had been offered in the same case, because the aforementioned law did not apply to him, inflamed by the emulation of his fellow in death, met the same end on the same day, having completed his course in the apostolate with the greatest success. Concerning these two, Pope Pius VI declared shortly afterward, in an address given on the Ides of November, 1775, that, for the same cause, and under the same suffering, they had both attained the equal reward of the crown of martyrdom. The glorious reputation of these four priests, and their sanctity, spread rapidly, and when reports of miracles also began to circulate, an investigation was instituted regarding their martyrdom, conducted with both ordinary and Apostolic authority. After these investigations were completed, and after legitimate and valid proceedings were held, the cause was entrusted to a group of Cardinals, with the special permission of the Supreme Pontiff, and with the request that the Consultors also express their opinion on the matter. In this assembly, held on the eleventh day before the Kalends of April, in the year in question, a question was proposed by the Most Reverend Cardinal Raphael Pierotti: "Does it appear to be the case of martyrdom, and for what reason; and also, are there any signs, or miracles, in this case, and to what effect?" All the Most Reverend Cardinals and the Reverend Consultors present, each with his vote, judged that it did appear to be the case of martyrdom. The Blessed Father, having heard from the Most Reverend Aloysius Tripepi, Prefect of the Sacred Congregation, a report on all matters, postponed the declaration of his decree, earnestly imploring the divine light from the Father of Lights. Finally, on this present Sunday, the second after Easter, which is named from the recurring Gospel: "I am the good shepherd," the Holy Father, having entered the most noble hall of the Vatican, and seated on the pontifical throne, summoned the Most Reverend Cardinals, including Seraphin Cretoni, Prefect of the Sacred Congregation.

[*Latin ed. p. 737*]

From the Sacred Records, 757, the Prefect, and in his place and stead, Aloysius Tripepi, of the same Sacred Roman Congregation, the Pro-Prefect, and Raphael Pierotti, the Advocate for the Cause, together with Alexander Verde, of the Sacred Congregation of the Faith, and myself, the undersigned Secretary, were solemnly ordered to declare: "That the martyrdom of, and the cause of, the Venerable Servants of God, Francis Gil de Federich, Matthew Alonso Leziniana, Hyacinth Castañeda, and Vincent Liem a Pace, are established, and that the signs or miracles attributed to them, in the case and to the effect of which we are speaking, are confirmed." This

Translated by churchlatin.ai, a product of Boyne Archives

Decree was ordered to be made public and to be recorded in the acts of the Sacred Roman Congregation on the fifteenth day of the Kalends of May, in the year 1904. S. CARD. CRETONI, Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. ALERIA, or PAVIA. Decree of Canonization of Blessed Alexander Sauli, of the Congregation of Clerics Regular of Saint Paul, Barnabites, Bishop of Aleria, and afterwards of Pavia. CONCERNING THE DOUBT: "Whether, with the approval of two miracles, it is possible to proceed to the solemn canonization of the same Blessed." For the true good of the Christian republic, and by the provident counsel of God, it happened that in the glorious, yet perilous times of the sixteenth century, outstanding men, distinguished by their sanctity, found themselves, as it were, vigilant watchmen for the protection of religion and morality. Shining brightly in this series is the glory of the Congregation of Clerics Regular of Saint Paul, Alexander Sauli. Endowed with every ornament of virtue and doctrine, he not only consulted the salvation of his own soul through remarkable humility, obedience, purity, and patience, but, with inexhaustible charity, he was a great help and comfort to many, especially in the office of bishop. This master of piety was followed by Charles Borromeo; he was held in high esteem by the most holy men, Pius V and Philip Neri; and Gregory XIV called him "Angel." First, Bishop of Aleria, and then of Pavia. Acts of the Apostles, Volume XXXVI, page 47.

[*Latin ed. p. 738*]

738 Following the custom of the Sacred Rites, their solicitude and their charisms are so emulated that they can best agree with the words of Paul: "Yet the signs of my apostleship have been wrought on you, in all patience, in signs and wonders and mighty deeds." (2 Corinthians 12:12). Indeed, these signs and wonders, especially after death, having strengthened the reputation of sanctity and having been duly proven, Pope Benedict XIV, Most Venerable Father, bestowed honors upon the Blessed. Soon, a cause was initiated and an inquiry was held concerning two miracles, and Our Most Holy Lord Pope Pius X decreed that both were to be considered. One was examined, according to the statutes of this sacred court, to determine whether the honors of the Blessed could be granted to Blessed Alexander Sauli. Therefore, in the assembly of the Sacred Congregation of Rites, before Our Most Holy Lord, on the sixth of the ides of May of this year, the Most Reverend Cardinal Jerome Maria Gotti, the Relator of the cause, proposed the following question: "Whether, given the approval of two miracles, the process may proceed to the solemn canonization of Blessed Alexander Sauli." Although the Most Reverend Cardinals and Fathers Consultors unanimously responded that the process could proceed, nevertheless the Most Blessed Father, refraining from pronouncing his supreme judgment, deferred the matter to another day, and exhorted those present to implore heavenly light with fervent prayers in this important

Translated by churchlatin.ai, a product of Boyne Archives

matter. On that day, which was the Sunday after Pentecost, the Most Reverend Cardinal Aloysius Tripe, Pro-Prefect of the same Congregation, and the Most Reverend Cardinal Jerome Maria Gotti, Relator of the cause, and the Reverend Father Alexander Verde, Promoter of the Faith of the Holy See, and I, the undersigned secretary, were present, and he duly pronounced: "The process may proceed to the solemn canonization of Blessed Alexander Sauli." This present decree was ordered to be made public and to be recorded in the acts of the Sacred Congregation of Rites, and letters Apostolic were ordered to be issued under seal, concerning the solemn celebration of the canonization in the patriarchal Basilica of Vatican, where it may first be possible, on the fourth day before the kalends of June, in the year 1904. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 739*]

FROM THE SACRED RITUALS, 739, BY ISSINEN. Decree concerning the Beatification, or declaration of martyrdom, of the Venerable Servants of God, Agathangelus of Vendome and Cassian of Nantes, of the Order of Capuchin Franciscans, who were killed by schismatics in hatred of the Catholic Religion. CONCERNING THE DOUBT: "Whether, with the approval of the martyrdom and of its cause, it is so established concerning the signs or miracles which illustrate the martyrdom itself, that it may proceed safely to further steps." What power can human forces, strengthened by divine grace, achieve, when the examples of all the Saints declare it, especially those who, despising the dangers of their time, setting aside the comforts of family and the delights of their native land, full of the vigor and bloom of youth, preferred to pour out their lives through immense torments, rather than to depart from the Faith of Christ and from the defense of the unity of the Church? Indeed, many of these, whose palms are adorned with purple, have come from the illustrious Order of the Capuchin Franciscans, among whom are the Venerable Servants of God, Agathangelus and Cassian. Both, at the beginning of the 17th century, yearning for the glory of martyrdom, prepared themselves for it through the purity of their youth and the sanctity of their entire lives. Destined for sacred expeditions, they traversed Syria, Egypt, and other regions of the East with great fruitfulness, with the primary purpose of bringing back the Coptic dissenters to the unity of the Catholic Faith. After various and most arduous journeys, after immense labors expended for the sake of Christ, they finally entered Ethiopia, where they suffered the penalty of the envy aroused in them and the reward of their virtue, namely, a most atrocious death. And first, they were seized and, burdened with chains, thrown into prison, where they endured the most grievous torments for a whole month. Then, bound with ropes and with these ropes attached to the tails of quadrupeds, which pulled them, they were dragged over a long distance to the place of execution. Before

Translated by churchlatin.ai, a product of Boyne Archives

being flogged there, they were summoned before the King of Ethiopia and, standing before him, publicly and vigorously professed their Catholic faith. This free confession was immediately followed by the punishment of suffocation, with the added disgrace of being stripped naked before a very large crowd, a savage spectacle accompanied by shouts and hisses. Having their trunks held, and while the torturers were pulling on the ropes, the steadfast athletes of Christ, who were accustomed to being girded, showed their ropes.

[*Latin ed. p. 740*]

740 FROM THE SACRED RITUAL: Those who, because of their greater holiness, could not be quickly recognized, were, by a furious storm of stones, crushed by the populace, emulating the blessed life of Saint Stephen. This occurred on the 7th of July, in the year 1638. The glorious fame of this triumph, illuminated by many signs, reached Pope Pius X. After legal investigations, on the 15th of May of the following year, he declared that the martyrdom and the cause of both Venerable Servants of God were proven (1). There remained a doubt concerning the granting of the solemn honors of Beatification to these Venerable ones. This matter was presented by the Most Reverend Cardinal Dominic Ferrata, the promoter of the cause, at a meeting of the General Congregation of the Sacred Rites, held in the Vatican on the 6th of May of that year. Before the same Most Holy Pope Pius X, and the Most Reverend Cardinals and Fathers Consultors, he presented his opinion, in which he affirmed that the process could proceed. However, the Blessed Father hesitated to reveal his mind in this matter of such importance, and instead, he implored a greater grace of heavenly light. Today, on this Sunday, the first after Pentecost, the Church celebrating the feast of the Holy Trinity, the same Most Holy Father, after a sacred rite, entering the noble hall of the Vatican and seated on the papal throne, wished to summon the Most Reverend Cardinal Aloysius Tripepi, Prefect of the Sacred Congregation, and the Most Reverend Cardinal Dominic Ferrata, the promoter of the cause, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, the undersigned Secretary, and, in their presence, solemnly decreed: "That the process may proceed to the further stages, that is, to the solemn Beatification of the Venerable Servants of God, Agathangelus of Vendome and Cassian of Nantes." He ordered that this decree be made public and recorded in the acts of the Sacred Congregation, and that an Apostolic Letter, in the form of a Brief, for the Beatification, should be issued whenever it is to be celebrated, on the 4th of June, in the year 1904. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea,

Translated by churchlatin.ai, a product of Boyne Archives

Secretary. (1) Cf. Acta Sanctorum, vol. XXXVI, page 694.

[*Latin ed. p. 741*]

FROM THE SACRED CANONS, 741, ROMA: Decree concerning the Beatification and Canonization of the Venerable Servant of God, Gaspar Del Bufalo, Canon of the Basilica of Saint Mark in Rome, Founder of the Congregation of the Precious Blood Missionaries of Our Lord Jesus Christ. CONCERNING A DOUBT: "Whether and concerning which miracles there is evidence in this case, and to what effect they pertain." This illustrious city, a haven of piety and the wellspring of religion, has bestowed upon us a man who, during that most turbulent period at the close of the eighteenth century, "being reconciled through the blood of His Cross," sought to appease the wrath of God on behalf of the people, fulfilling the words of the Apostle: "Christ died for us. Much more therefore, being now justified by his blood, shall we be saved from wrath through him." (Rom 5:9). Armed with this principle, the Venerable Servant of God, Gaspar Del Bufalo, pursued his apostolate, a multifaceted and extensive one, but always grounded in the unwavering pursuit of promoting the worship of the Precious Blood. He faced objections and accusations, his virtues all the more powerful because they were closely intertwined with the example of his most upright life. He exerted all the power of his charity, encouraging every condition of life to return to holiness. For he cared for the growth of the pious Society of Saint Gall for the relief of the poor, and he desired a nocturnal gathering at Saint Mary Major. He also devoted much effort to the clergy, either through the pious Society of Saint Paul the Apostle, or through established residences with their schools, so that the students of the sacred orders might have a more accessible path to fulfilling their sacred missions, or through pious exercises proposed each year; moreover, he compared these to the activities of the Roman gymnasium and the military order. His incredible zeal did not remain confined to Rome; indeed, he undertook almost countless sacred missions over a period of more than twenty years, both within the pontifical territory and throughout the Kingdom of Naples, through Abruzzo, and through Apulia. His constancy in faith and obedience to the Apostolic See was most clearly demonstrated when, during the time that Pope Pius VII was deposed from his See and often suffered imprisonment, he traveled through various cities of Italy, more concerned for the eternal salvation of others than for his own present safety.

[*Latin ed. p. 742*]

742 FROM THE SACRED CONGREGATION. Finally, his apostolic labors, never interrupted, were concluded; on the twenty-eighth day of December, in the year 1837, at the age of fifty-two, not yet fully completed, he peacefully departed this life, leaving behind the thirteen houses of the Congregation which he had founded, together with his renowned name,

Translated by churchlatin.ai, a product of Boyne Archives

that of a learned Father and a most holy priest. This reputation for sanctity, increased after his death and confirmed by various miracles, led to the case of Gaspar Del Bufalo being presented to the Sacred Congregation. Consequently, a decree of approval of his virtues was issued by the Most Holy Pope Leo XIII, of blessed memory, on the fourteenth day before the Kalends of April, in the year 1881 (1), concerning two miracles which were said to have been obtained through his intercession. A diligent investigation was therefore instituted. The first miracle occurred in the year 1838 in the town of Lenula, in the Archdiocese of Caieta. Octavius Lo Stocco, who was a shepherd, had been afflicted with pulmonary phthisis to such an extent that, according to the unanimous judgment of the doctors, there was no hope of recovery, either through natural means or through the aid of the healing arts. Thus, with all hope extinguished, and the doctors predicting only a few miserable days remaining for him, he was given a relic of the Venerable Servant of God, Gaspar Del Bufalo; and through contact with this relic, Octavius enjoyed a peaceful sleep, and gradually and completely recovered. The second miracle occurred in the year 1861, on the twenty-first day of January, in the city of Albanensi. Clementina Masini had been suffering for more than four years from an incurable illness, namely, chronic peritonitis with perforation of the abdominal walls and the adjacent intestine. After being encouraged by her husband to commend herself to the Venerable Servant of God, Gaspar, and after swallowing a small piece of his habit, she attributed her recovery to the grace of the invoked Patron, and, refreshed by the vision, she rose, healed from that terrible illness. After an investigation into both miracles, the proceedings were first held in a preparatory meeting, in the houses of Cardinal Dominici Ferrata, on the sixth day before the Kalends of December, in the year 1902; then again in the preparatory meeting at the Apostolic Palace in Vatican; and finally, in a third meeting held before the Most Holy Lord Pope Pius (1).

(1) Cf. Acta S. Sedis, vol. XXIV, page 6.

[*Latin ed. p. 743*]

On the seventh day of this month, the Holy Father convened a meeting; in that assembly, presented by the Most Reverend Cardinal Dominic Ferrata, the cause's Relator, was the following question: "Whether and concerning which miracles there is sufficient evidence, both in terms of their nature and effect, regarding the matter under consideration." The Most Holy Father received the votes of the Consultors and Cardinals, and postponed the final judgment to another day, so that, in a matter of such importance, he and others might have ample opportunity for the guidance of divine light. However, on this day, having entered this noble hall, made more illustrious by the solemn celebration in honor of the Most Holy Trinity, after receiving the Eucharistic Host, and seated upon the pontifical

Translated by churchlatin.ai, a product of Boyne Archives

throne, the Holy Father summoned to him the Most Reverend Cardinal Aloysius Tripepi, Prefect of the Sacred Congregation, and the Most Reverend Cardinal Dominic Ferrata, Relator of the cause, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, the undersigned Secretary, and, in their presence, solemnly declared: "That there is evidence of two miracles; the first: the instantaneous and perfect healing of Octavia Lo Stocco, who had been reduced to the final stage of pulmonary phthisis; the second: the instantaneous and perfect healing of Clementina Masini, who suffered from chronic peritonitis and a fecal fistula." This Decree was ordered to be made public and recorded in the Acts of the Sacred Congregation on the twenty-ninth of May, in the year 1904. S. CARD. CRETONI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. Throughout the City and the World, the votive Mass for the Immaculate Conception of the Blessed Virgin Mary is extended to each day of the three days or novena of the same feast. Those who have been entrusted with this task, in order to promote the fiftieth anniversary of the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary, have diligently and as an example, and have also considered it fitting to humbly offer to the Most Holy Lord our Pope Pius X certain prayers, common to many Sacred Ministers and Christians. The Supreme Pontiff, who desires nothing more than to see these efforts bear fruit, has diligently...

[*Latin ed. p. 744*]

744 From the Sacred Congregation of Rites, I, unaware of the love and obedience due to the venerable traditions, testify that the aforementioned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, most graciously accepted the following petition. And therefore, He has deigned to extend the Indult for the votive Mass of the Immaculate Conception, to be celebrated on any day of the octave of each month, or on the following Sunday, together with the commemoration of the same, granted by the Decree of the Sacred Congregation of Urbis et Orbis of August 14, 1903 (1), to each of the days of a triduum or novena which shall be instituted in any church or chapel, with the approval of the local Ordinary, in honor of the Virgin Immaculate, within this or the next year, provided that all other clauses and conditions prescribed in the aforementioned decree are observed. Contrary provisions notwithstanding. June 22, 1904. A. CARD. TRIPEPI, Pro-Prefect. L. * S. f D. PANICI, Archbishop of Laodicea, Secretary. UTINE. It is disapproved of the practice of singing the Passion of Our Lord and the Lauretan Litany in the vulgar language before the Most Holy Sacrament, nor of administering Communion in the same language. The present Reverend Archbishop of Udine has humbly presented the following questions to the Sacred Congregation of Rites for a suitable declaration: I. In two parishes of the Archdiocese of Udine, there exists an ancient custom whereby, on Palm Sunday, after the Blessing of the Palms and the Procession, the Passion of

Translated by churchlatin.ai, a product of Boyne Archives

Our Lord Jesus Christ is sung in the vulgar Slavic language. It is asked whether such a singing of the Lord's Passion can be tolerated in this case, or at least permitted before the Blessing of the Palms, or immediately after the Mass has been read? (1) Cf. Acta S. Sedis, vol. XXXVI, page 58; also page 441 of the same volume, where a commentary is found containing safe norms for celebrating the votive Mass of the Immaculate Conception, even though those who hold the opposite opinion have yielded. Furthermore, it is within the power of the Ordinaries, during the current or the next year, to institute a triduum or novena in honor of the Blessed Virgin Immaculate, thus extending the privilege of the votive Mass of the Immaculate to all churches or chapels (N. R.).

[*Latin ed. p. 745*]

FROM THE CHURCH LATIN MCP 745 II. In two other parishes, the ancient custom still prevails, whereby, when administering Holy Communion outside of Mass, the words "Domine non sum dignus" are recited in the vernacular language; and before the exposed Blessed Sacrament, the Litany of Loreto is sung in the same vernacular language; it is asked, considering the existing custom, whether both are permitted? And the Congregation of Rites, after considering the report of the undersigned Secretary, and also the careful opinion of the Liturgical Commission, decided that the following should be answered: Regarding I. Concerning the first part, negatively, and the rubric of the Missal should be observed, which does not permit such an interruption, and after the Blessing of the Palms, it prescribes: then the Mass is celebrated; and regarding the second part, affirmatively, with the consent of the Ordinary (1). Regarding II. Negatively, and the rubrics and decrees (2) should be observed. And thus it responded. On July 1, 1904. A. Card. TRIPEPI, Pro-Prefect. L. © S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) In the report and in the resolution itself, three points are discussed. Firstly, the use, although ancient, of singing the Passion of the Lord in the vernacular language during the solemn function of the Lord's Palm Sunday is condemned. And this, in accordance with previous Decrees, according to the Motu Proprio of the Most Holy Pope John XXIII concerning sacred music of November 22, 1903, and the Decree of the Sacred Congregation of Urbis et Orbis of January 8, 1904, as well as the Plenary Council of January 29, 1904, and especially the Utinen of March 5, 1904. (Cf. Acta S. Sedis, vol. 36, p. 329, 387, 426, 496, and 568). The second question concerns the time for singing the Lord's Passion; and the Sacred Congregation responds, according to the rubrics of the Missal, that first the Blessing of the Palms should be performed, then the Procession, and finally the solemn Mass, in which the Passion of the Lord is sung in Latin. The third question the Sacred Congregation resolves by permitting, with the consent of the Ordinary, that the Passion of Our Lord Jesus Christ be sung in the vernacular Slavic language after a private Mass (N. R.). (2)

Translated by churchlatin.ai, a product of Boyne Archives

Even here, the ancient custom does not permit the administration of Holy Communion outside of Mass in the vernacular language, nor the singing of the Litany of Loreto in the same language before the exposed Blessed Sacrament. Compare with this the Utinen of March 5, 1904; (Acta S. Sedis, vol. 36, p. 568) (N. R.).

[*Latin ed. p. 746*]

746 FROM THE SACRED CONGREGATION OF RITES: A doubt regarding custom. The custom of not using a cope before the Tabernacle of the Most Holy Sacrament cannot be maintained. A question was put to the current master of ceremonies of a certain cathedral church: Whether the custom of not using a cope to cover the tabernacle where the Most Holy Sacrament of the Eucharist is kept can be maintained? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and also having heard the opinion of the Liturgical Commission, decided that the following should be answered: Negatively, and that the Roman Ritual and the Decrees (1) should be observed. And thus it responded in writing. July 1, 1904. A. CARD. TRIPEPI, Pro-Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. HIERACEN. Concerning the occurrence of feasts and the omission of the octave of Saint Anastasia. The current editor of the diocesan calendar of Hieracensis, with the consent of his Reverend Bishop, humbly requests a solution to the following doubts from the Sacred Congregation of Rites, namely: (1) The Roman Ritual, Title IV, chapter 1, Concerning the Most Holy Sacrament, paragraph 6, states: "This tabernacle (of the Most Holy Sacrament) should be decently covered with a cope..." However, the Decrees of the Sacred Congregation, which are most relevant to the matter, are those of Briocensis, dated July 21, 1855, number 3035, which states: "a) Whether the tabernacle, in which the Most Holy Sacrament is kept, must be covered with a cope, as the Ritual states?" The answer is: "Affirmatively"; and also that of Saint James of Cilicia, dated April 28, 1866, number 3150 (See Acta S. Sedis, volume 4, page 54), in which the practice, long in use, of not covering the tabernacle in which the Most Holy Sacrament of the Eucharist is kept, is entirely disapproved. From the Decree of the Apostolic Vicariate of both Guineas, dated July 27, 1878, number 3456 (See Acta S. Sedis, volume 21, page 584), it is known that only in the regions of Guinea, as far as we know, is it permitted, at the prudent discretion of the Ordinary, for the tabernacle of the Sacrament to be without a cope, because it is often found to be indecently polluted by various kinds of insects.

[*Latin ed. p. 747*]

FROM SACRED RITUALS 747 I. If a major feast day, fixed to a specific day of the month, falls on the same day as the feast of the Dedication of the Cathedral Church, or with another major feast day of the first class

Translated by churchlatin.ai, a product of Boyne Archives

falling on a Sunday, and does not have until December 30th a free day on which it can be transferred, then it must be entirely omitted that year; but should a commemoration be made of it, as of a simple feast day by chance, in both Vespers, Lauds, and Mass of the major feast day of the first class? II. Within the Octave of Saint Anastasia, the patron saint of the church, assigned according to the decree of the Sacred Congregation of Rites of December 13, 1895 (1), on December 30th, should a commemoration be made, according to the same decree, only on the days of January 2nd, 3rd, 4th, and 5th, or also in Lauds and Mass on December 31st? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and after a careful deliberation by the Liturgical Commission, has decided as follows: Regarding I. Affirmative to the first part, negative to the second part. Regarding II. Nothing should be done concerning the Octave, according to the rubrics and the decree 3876 of Quebec, dated December 13, 1895, regarding I. (2). And thus it was written on July 8, 1904. A. CARD. TRIPEPI, Pro-Prefect. L. © S. f D. PANICI, Archbishop of Laodicea, Secretary. (1) Cf. Acta S. Sedis, vol. 28, p. 440, Quebec, regarding II: "Can December 5th be assigned to Saint Anastasia in her own church?" The response was: "Affirmative, without omitting the commemoration of Saint Anastasia in the second Mass of the Nativity, due to the Station." (N. R.). (2) Cf. Acta S. Sedis, vol. 28, p. 440, Quebec, regarding I: "Does the titular feast day of a church, occurring from December 31st to January 5th, have an Octave?" The response was: "Negative." The affirmative response, namely "Affirmative according to the rubrics," which was inserted in the Acta S. Sedis at that time for this question, must be corrected with a negative response. This is in accordance with the General Rubrics of the Breviary, which, in title VII on Octaves, state that for any Octave, although not yet completed, nothing more should be done, nor should its commemoration be observed, when December 17th arrives, up to and including the feast of the Epiphany, as taught by Van Der Stappen, vol. I, question 143. Furthermore, such a passage is found in the authentic collection of decrees of the Sacred Congregation of Rites, and the present decision confirms it (N. R.).

[*Latin ed. p. 748*]

From the Sacred Ritual Diary, Wednesday, the 14th day of June, in the year 1904, in the Apostolic Palace at the Vatican, the General Congregation of Sacred Rites was held before the Most Holy [Pope], in the following cases:

1. Of Rome. – Concerning the beatification and canonization of the Venerable Servant of God, Gaspar Del Bufalo, Canon of the Basilica of Saint Mark in Rome, Founder of the Congregation of the Precious Blood Missionaries of Our Lord Jesus Christ. – Regarding the doubt: "Whether, with the approval of virtues and two miracles already established, the solemn beatification of the Venerable Servant of God can proceed."

Translated by churchlatin.ai, a product of Boyne Archives

2. Of Rome, or Trent, and Praenestina. – Concerning the beatification and canonization of the Venerable Servant of God, Stephen Bellesini, of the Order of the Eremites of Saint Augustine, Parish Priest in the town of Genestano. – Regarding the doubt: "Whether it is established in this case, and to the effect of which we are speaking, concerning which miracles."

The Reverend Fathers, Consultors in Theology, and the Illustrious and Reverend Lords, Consultors in the Episcopate, as well as the Eminent and Reverend Lords, Cardinals of the Holy Roman Church, Prefects, were present and gave their opinions.

On Wednesday, the 28th day of June, in the year 1904, in the Apostolic Palace at the Vatican, the Preparatory Congregation of Sacred Rites was held, in the case of: Pinnen. – Concerning the beatification and canonization of the Venerable Servant of God, Father Gabriel of the Virgin Dolorous, a professed cleric of the Congregation of the Regular Clerics of the Holy Cross and Passion of Our Lord Jesus Christ. – Regarding the doubt: "Whether it is established in this case, and to the effect of which we are speaking, concerning the theological virtues of Faith, Hope, and Charity, in God and towards one's neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and those virtues connected with them, in a heroic degree."

The Reverend Fathers, Consultors in Theology, the Illustrious and Reverend Lords, Consultors in the Episcopate, as well as the Eminent and Reverend Lords, Cardinals of the Holy Roman Church, Prefects, were present and gave their opinions.

[*Latin ed. p. 749*]

749 FROM THE HOLY CONGREGATION FOR INDULGENCES AND HOLY RELICS: A decree is amended whereby indulgences are granted to those who recite certain prayers in honor of Saint Stephen, the first martyr. Most Blessed Father, Nicholas Joseph Camilli, Archbishop of Tomi, prostrate before the Holy Foot, humbly presents the following: In the audience of January 3rd of the current year, Your Holiness deigned to grant a partial indulgence each day, and a plenary indulgence on the two feasts of the Saint, August 3rd and December 26th, for the recitation of the Antiphon with verses and the prayer in honor of Saint Stephen, the first martyr. Now, in the decree of the Holy Congregation for Indulgences and Holy Relics, dated January 23rd of the same year (1), among the conditions for obtaining these plenary indulgences, it is stipulated that the aforementioned Antiphon, etc., must be recited every day for an entire year. However, to make it easier for the faithful to obtain the aforementioned plenary indulgences, the petitioner humbly requests Your Holiness to kindly amend that decree, so that such indulgences may be obtained on the two aforementioned feasts, or on one of the days of their octaves, by those who have recited the Antiphon, etc., during the nine days preceding each of those feasts. And

Translated by churchlatin.ai, a product of Boyne Archives

may God, etc. (2). (1) Cf. Acta S. Sedis, vol. 36, page 436. (2) Most Blessed Father – Nicholas Joseph Camilli, Archbishop of Tomi, prostrate before the Holy Foot, humbly presents the following: In the audience of January 3rd of the current year, Your Holiness deigned to grant a partial indulgence each day, and a plenary indulgence on the two feasts of the same Saint, August 3rd and December 26th, for those who recite the Antiphon with verses and the prayer in honor of Saint Stephen, the first martyr. In the decree of the Holy Congregation for Indulgences and Holy Relics, for the purpose of obtaining these plenary indulgences, it is stipulated that the aforementioned Antiphon, etc., must be recited daily throughout the entire year. Therefore, so that the faithful may more easily acquire the aforementioned plenary indulgences, the petitioner requests a kind correction of the decree from Your Holiness, so that such indulgences may be obtained on the two aforementioned feasts, or on a day within the octaves of those feasts, by all who have recited the Antiphon, etc., during the nine days preceding each of those feasts. And God, etc.

[*Latin ed. p. 750*]

750 FROM S. G. OF INDULGENCES. His Holiness Pope Pius X, in an audience held on June 8, 1904, graciously approved, upon the petition of the undersigned Cardinal Prefect of the Sacred Congregation for Indulgences and Sacred Relics, of the following grace, while maintaining the tenor of the aforementioned Rescript in the submitted petition, in all other respects. This present decree is valid forever, without any further brief. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on June 8, 1904. A. CARD. TRIPEPI, Prefect. L. S. For the Secretary, Rev. M. Can. COSELLI, Substitute. DECREE FOR THE CITY AND THE WORLD, by which an indulgence is granted upon reciting three times, with a priest, after private prayers following the recitation of the Holy Mass, the invocation "Most Sacred Heart of Jesus, have mercy on us," so that the faithful, especially in these difficult times, may more fervently turn to the Most Sacred Heart of Jesus, and strive to offer Him continuous acts of praise and adoration, and to implore divine mercy. His Holiness has received numerous petitions, that, in addition to the prayers which, by order of the Most Holy Pope Leo XIII, are customarily recited three times after the celebration of private Mass, the following invocation, "Most Sacred Heart of Jesus, have mercy on us," may be added, so that a certain Indulgence may be granted to those who recite it devoutly with the priest and others who are with him. Furthermore, His Holiness, to whom, due to his exceptional piety from his earliest years, nothing is more pleasing than the increase of devotion to the most holy Heart of Jesus, in which are hidden the treasures of all graces, has graciously approved of these requests; and therefore, He has deigned to grant a seven-year Indulgence, as well as a plenary Indulgence, to all

Translated by churchlatin.ai, a product of Boyne Archives

of the Christian people who, together with the priest, after the celebration of private Mass, and after the prayers already recited, add the aforementioned invocation. Notwithstanding any contrary provisions (1). (1) It is clear that the recitation of this invocation is not prescribed, but is rather in accordance with the wishes of His Holiness. Furthermore, it must be recited immediately after the prayers prescribed by Pope Leo XIII, and not after other invocations which are sometimes said, e.g., "Dio sia benedetto," etc.

[*Latin ed. p. 751*]

FROM THE SACRED CONGREGATION FOR INDULGENCES, 751. Given in Rome, from the Secretariat of the Sacred Congregation for Indulgences and Sacred Relics, on the 17th of June, 1904. A. CARD. TRIPEPI, Prefect. L. S. f D. PANICI, Archbishop of Laodicea, Secretary. SUMMARY: Of Indulgences, Privileges, and Dispensations granted to Lay Members of the Order of the Most Holy Virgin of Mercy for the Redemption of Captives.

I. PLENARY INDULGENCES:

A. Granted to Lay Members of both sexes who are truly penitent, having confessed and having received Holy Communion:

1. On the day of their entrance into the Third Order;

2. On the day of their profession;

3. As often as, with a desire for a better life, they dedicate themselves for eight consecutive days to spiritual exercises;

4. Once each month, on the day on which the procession of the Holy Scapular takes place.

B. To the same Lay Members, if, according to what is stated above, in accordance with the will of the Supreme Pontiff, they pray:

a) On the following days, in which they receive general absolution:

1. On the feast of Saint Anthony Abbot (January 17th);

2. On the feast of Saint Peter Nolasco, Founder of the Order (January 31st);

3. On the Fourth Day of Lent;

4. On the Fifth Day of the Greater Week;

5. On the feast of Saint Mary Anne, Virgin, of the Order (April 17th);

6. On the feast of Saint Lawrence the Martyr (August 10th);

7. On the feast of Saint Raymond Nonnatus, Founder of the Order (August 31st);

8. On the feast of the Assumption of the Most Holy Virgin of Mercy (September 24th);

Translated by churchlatin.ai, a product of Boyne Archives

9. On the feast of Saint Serapion the Martyr, of the Order (November 24th);

10. On the feast of the Immaculate Conception of the Most Holy Virgin (December 8th).

b) 1. On the day on which the first procession takes place during the publication of the mission of the Religious Order for the redemption of captives, if they are present at it;

2. On the day on which the procession takes place in thanksgiving after the redemption of captives, if they are present at it.

[*Latin ed. p. 752*]

752 FROM THE DECREE ON INDULGENCES, section 3: On any day, when they have traveled to lands of the infidels, for the purpose of redeeming captives; 4. On any day, when, after the redemption of captives, they return from the lands of the infidels.

C. To these same tertiaries, if, as stated above, they devoutly visit a church or a public chapel and pray according to the mind of the Supreme Pontiff: 1. On the day they attend a monthly meeting or conference; 2. Once each month, on any day.

D. To these same tertiaries who, as stated above, devoutly visit the church of the Order, or that where the Sodality holds its meetings, or, if such a church is lacking, the respective parish church, and pray for the redemption of captives, and according to the mind of the Supreme Pontiff, on the following days: 1. On the feast of the Circumcision; 2. Epiphany; 3. The Paschal Feast of the Resurrection of the Lord; 4. Ascension; 5. Nativity; 6. Trinity; 7. Pentecost; 8. The Most Holy Name of Jesus (3rd Sunday after Epiphany); 9. The Immaculate Conception; 10. Nativity; 11. Purification of the Blessed Virgin Mary; 12. Annunciation; 13. Assumption; 14. The Ascension of the Blessed Virgin Mary of Mercy, or on one day within the preceding novena or octave; 15. The Apparition of Saint Michael the Archangel (May 8th); 16. The Dedication of the same Saint Archangel (September 29th); 17. Saint John the Baptist (June 24th); 18. Saint Joseph, Spouse of the Blessed Virgin Mary (March 19th); 19. The Patronage of the same Saint (3rd Sunday after Easter); 20. The feast of the Holy Apostles Peter and Paul (June 29th); 21. Saint Raymond of Penyafort, Confessor of the Order (January 23rd); 22. Saint Peter Nolasco, Confessor, or on one day within the octave; 23. Blessed Mary Anne of Jesus, Virgin, of the Third Order (April 17th).

[*Latin ed. p. 753*]

FROM THE SACRED DECREE ON INDULGENCES, 753, 24th: Feast of Saint Peter's Joy (March 27th); 25th: Feast of the Immaculate Conception of the Blessed Virgin Mary (December 8th); 26th: Feast of the Most Holy Redeemer; 27th: Feast of Saint Raymond of Pennaforte, Confessor (August

Translated by churchlatin.ai, a product of Boyne Archives

31st), or on one day of the novena; 28th: Feast of Saint Paschal, Bishop and Martyr (May 15th); 29th: Feast of Saint Serapion, Martyr (November 12th); 30th: Feast of All the Saints of the Order (November 1st); 31st: Feast of the Titular Church, in which the seat of the Sodality is established.

I. In the hour of death, if these tertiaries, as previously stipulated, or at least contrite, have invoked the Most Holy Name of Jesus with their mouth, if they are able, or failing that, with their heart.

II. STATIONARY INDULGENCES: On the days of Stations described in the Roman Missal, if these tertiaries visit the church of the Sodality or Order, and there pray according to the mind of the Supreme Pontiff and for the redemption of captives, they obtain the same indulgences that they would gain if they personally visited the churches of the city or outside the city listed in the same Missal on those days, provided that they perform the other prescribed works.

III. PARTIAL INDULGENCES:

A. Of seven years and as many quarantines:

1. Once a day, if the tertiaries devoutly recite the Our Father three times and the Angelic Salutation, or the Apostles' Creed, to obtain patience, fortitude in faith, and liberation for the captives.

2. Also, once a day, if the tertiaries recite the Our Father and the Hail Mary seven times in honor of the Blessed Virgin Mary.

3. If, accompanying the Most Holy Eucharist when it is brought to the sick, or if they are unable to do so, they recite the Our Father and the Hail Mary seven times, kneeling, in its presence.

4. If, receiving the poor in a place of redemption.

5. If, accompanying redeemed captives to the church of the Order or Sodality.

B. Of three years and as many quarantines, as often as the tertiaries perform some pious work of piety or charity, at least with a contrite heart.

Acts, Volume XXXVI, page C, section D, number XXXI, I, 48.

[*Latin ed. p. 754*]

754 FROM THE GENERAL INDULGENCES: All and each of the indulgences hitherto recorded, except for the plenary indulgence to be gained at the hour of death, are also applicable to the souls of the deceased residing in Purgatory. IV. PRIVILEGES: 1. The Secular Priests enjoy the personal privilege of celebrating the Mass at a designated altar three days each week, provided that they have not obtained a similar privilege for another day. 2. The altar of the Blessed Virgin Mary of Mercy, dedicated in churches where the Sodality has its seat, enjoys the daily privilege for Masses celebrated therein by the Secular Priests. 3. All Masses celebrated by any priest in

Translated by churchlatin.ai, a product of Boyne Archives

suffrage for the deceased members of the Sodality are always and everywhere privileged. V. INDULGENCES: 1. Secular Canons residing in places where there is no church of the Order may gain the indulgences granted to the faithful who visit such churches, on the condition that they visit the church of the Sodality. 2. Secular Canons who reside in colleges, seminaries, and other communities may, in order to gain the indulgences proper to the Sodality, visit the respective house chapel. 3. Secular Canons, if they are infirm or convalescing, and cannot conveniently leave the house, may gain the same indulgences by reciting the Our Father and the Hail Mary five times, together with the Glory Be, and by praying according to the intention of the Supreme Pontiff, and for the redemption of captives, as if they had personally visited the church of the Order or the Sodality. 4. Infirm or convalescing Secular Canons may receive general absolution and gain indulgences on any day within the octave of the feast to which absolution or indulgences are assigned. 5. Secular Canons may receive general absolution on the eve of the feast to which it is assigned, after sacramental confession.

[*Latin ed. p. 755*]

FROM THE DECREE 755 OF THE HOLY CONGREGATION FOR INDULGENCES: Whereas, by the Decree of this Holy Congregation of July 18, 1902, all Indulgences were abolished, and all Indulgences, by which secular tertiaries of any Order, through communion with the first and second Orders respectively, had previously enjoyed, were entirely abrogated; and whereas, it was prescribed to the Supreme Moderators of religious Orders which possess a proper third Order, that they propose a new Index of Indulgences for their secular tertiaries; the General Superior of the Order of the Most Holy Virgin of Mercy, for the Redemption of Captives, obeying this mandate, prepared the aforementioned Index and humbly submitted it to this Sacred Congregation; which, after employing also the work of some of its Consultors, called it back for examination. His Holiness, Pope Pius X, in an Audience on August 28, 1903, having heard a report made by the undersigned Cardinal Prefect concerning all of these matters, benignly confirmed those Indulgences which were formerly directly granted to tertiaries, from those listed in the aforementioned Index, while, in place of those by which they enjoyed the benefit of communion, He mercifully granted others; and He also commanded that, in the future, the members of said Order, tertiaries living in the world, should participate only in those Indulgences, and that they should enjoy only those privileges and Indulgences which are listed in the aforementioned Index. This concession, the same Holiness wished to be valid also for all future times, without any Bull being issued. Notwithstanding anything to the contrary. Given at Rome, from the Secretariat of the same Holy Congregation, on June 18, 1904. A. CARD. TRIPEPI, Prefect. L. S. For the Secretary, M. CAN. COSELLI, Sub-

Translated by churchlatin.ai, a product of Boyne Archives

stitute.

[*Latin ed. p. 756*]

756 FROM THE HOLY APOSTOLIC PENITENTIARY. Doubts concerning the Jubilee to be observed in the year 1904.

Most Eminent and Reverend Lord,

Since certain doubts have arisen concerning the interpretation of the Apostolic Letters regarding the Jubilee, the Holy Penitentiary humbly requests a declaration. The doubts are as follows:

I. Do the Apostolic Letters prescribe that a fast be observed "apart from the days not included in the Lenten indulgence," or, in French: "hormis les jours NON compris dans l'induit quadrag esimal"? However, these words appear to have been misleadingly translated into French by the Vatican printers: "Hors des jours compris dans l'induit quadragésimal." Therefore, in order to avoid any ambiguity, it is asked whether, in this diocese of Toulouse, where on the days of the Four Times and Vigils, the use of dairy products and condiments made with fat is permitted, it is possible to observe a fast for the Jubilee on those days (provided that the indulgenced dispensations are not used)?

II. In the suburban region, there are certain towns, which are civilly included within the municipality of Toulouse, but which nevertheless form distinct parishes, and are not materially contained within the city itself. It is asked whether, in these towns, visits should be made for the Jubilee in the respective parochial churches, or in the Cathedral Church of Toulouse?

III. Is the same to be said regarding the external suburbs adjacent to the city?

IV. Certain rural parishes are united with several villages, which are sufficiently "distant from each other," and some of these chapels, it is said, have a curate. It is asked whether visits can be made in these chapels?

V. And in cases where such doubts arise, in order that the devout faithful may not be frustrated, is it permissible for the Ordinary to authentically determine which church or oratory should be visited?

VI. Since the Letters define that the Jubilee months should be designated BEFORE the eighth day of December, it is asked whether that day can be included within the three-month period of the Jubilee?

VII. The faculty of choosing a confessor from among those approved...

[*Latin ed. p. 757*]

FROM the Apostolic Penitentiary, section 757 onwards, concerning matters pertaining to nuns: It is asked whether this restriction affects: a) Sisters of Institutes who have made simple vows; b) Religious of certain Orders, where, although a solemn profession is held according to the original Constitutions, in Gallia, according to the mind of the Holy See, only simple

Translated by churchlatin.ai, a product of Boyne Archives

vows are dispensed? VIII. It is asked whether, in this Jubilee, one and the same penitent may choose a confessor multiple times, and whether the confessor may use the faculties of the Jubilee multiple times with regard to him, as long as the said penitent has not yet completed all the works of the Jubilee? The Apostolic Penitentiary, after mature consideration of the matters presented, responds: To I. Affirmative. To II. In these aforementioned towns, visitations are to be made in the parish church of each individual faithful. To III. Negative, and the Cathedral Church is to be visited. To IV. Affirmative. To V. Provision is made in the preceding sections. To VI. Included. To VII. The restriction of choosing a confessor only from among those approved for nuns affects those who do not live in community, but who also have a confessor designated by the Ordinary who attends to them, so that he may hear their confessions. To VIII. Affirmative. Given in Rome, in the Apostolic Penitentiary, on the 3rd of April, 1904. B. POMPILI, Secretary. F. Can. PASCUCCI, Substitute. OOBREOTIO In the January 1904 issue, page 355, we presented the Decree of the Sacred Congregation of the Council, "Concerning Clergy going to America and the Philippine Islands," published on November 14, 1903. A certain official correction of this Decree has recently appeared, which is to be made as follows. After article II of this Decree, page 557, line 20, the following should be added: "However, concerning Priests of the Oriental rite, the provisions given by the Sacred Congregation for the Propagation of the Faith in its letter of April 12, 1894, are to be observed." Furthermore, in the first part immediately following article III, page 357, line 23, after the words "as for America," the following should be added: "and other regions"; and on the following line, after the words "as for America," the word "or another region" should be omitted.

[*Latin ed. p. 758*]

758 A SUMMARY OF THE ACTIONS of Pope Pius X, and of his election and coronation, page 3. The Most Holy Father, Pope Pius X, publicly declared in our authentic and official publications, "Acta S. Sedis," the acts of the Apostolic See.

705 ACTS OF THE ROMAN PONTIFF: The Encyclical Letter "From the Supreme Chair of Apostleship," which Pope Pius X issued to all bishops after his assumption of the pontificate.

129 Encyclical Letters "To That Most Joyful Day," by which Pope Pius X announced an extraordinary Jubilee to the entire Catholic world.

449 Encyclical Letters "Truly Joyful," concerning the secular celebrations of Saint Gregory the Great, by the Most Holy Pope Pius X.

513 Apostolic Letters concerning the canonization of Blessed Peter Fourier.

257 Apostolic Letters concerning academic degrees in Holy Scripture conferred by the Biblical Commission.

Translated by churchlatin.ai, a product of Boyne Archives

530 Apostolic Letters of Pope Pius X concerning the institution of an Apostolic Visitation in the venerable City.

532 Apostolic Letters concerning the canonization of Blessed Anthony Mary Zaccaria, founder of the Clerics Regular of Saint Paul and the Angelic Virgins.

641 Letters in the form of a Brief, granting faculties for the Apostolic Visitation of the City.

535 Apostolic Letters in the form of a Brief, by which Saint Francis Xavier is declared the patron of the Pontifical Missionary Union, and the solemnity of his feast is elevated to a double major feast.

580 Letters concerning the elevation of Leo XIII to the dignity of Archbishop of Camerano, and concerning the happy outcome of the coronation of the Blessed Virgin Mary of Dunes.

10 Letters concerning the preparation for the 50th General Catholic Convention.

12 Letters by which Pope Pius X confirms the Commission of Cardinals for the 50th anniversary of the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary, and proposes an indulgence attached to prayers in her honor.

65 Letters of Pope Pius X to the Apostolic Vicar of Rome concerning the restoration of sacred music.

325; 395 Letters of Pope Pius X to the Bishop of Tarbena concerning the Shrine of the Blessed Virgin Mary of Lourdes.

283; 399 Letters of Pope Pius X to the 19th General Catholic Convention in Italy.

285 Letters by which Pope Pius X commends the diligence of the Caelian Society in the singing of Gregorian chant.

463 Letters of Pope Pius X recommending symbols in favor of the Washington Academy.

577 Letters of Pope Pius X concerning the regulation of Christian popular movements.

578

[*Latin ed. p. 759*]

SUMMARY OF DECREES: Letters from Pope Pius X, expressing favor towards the College of Lusitania in the City. 583. Letters in which Pope Pius X expresses gratitude for the new edition of the works of St. Bonaventure. 654. Apostolic Letters to the Reverend Vicar of Urbis, by which all clerics and priests, those seeking studies in Rome, are commanded to enter seminaries or ecclesiastical colleges. 655; 707. Letters from Pope Pius X to the Reverend Wilpert concerning the work "The Paintings of the Roman Catacombs." 710. Letters in which Pope Pius X expresses congratulations

Translated by churchlatin.ai, a product of Boyne Archives

to the International Committee promoting the work of Leo XIII. 711. Address given in the Consistory on November 9, 1903. 193. Address of Pope Pius X to the Pontifical French Seminary in the City. 268. Address given by the Supreme Pontiff to the Delegation of the Venetian Commission. 271. Address of Pope Pius X to the Society of St. Jerome for the spreading of the Gospels. 273. Natal Day Address of Pope Pius X to the Sacred College of Cardinals. 321. Address of Pope Pius X on the occasion of the proclamation of the decrees of beatification of Mark Crisini, Stephen Pongracz, and Melchior Grodecz, as well as Joan of Arc. 464. Address which Pope Pius X gave to the Sacred College of Cardinals on the feast day of St. Joseph, severely condemning the unjust persecution of religious congregations by the French Government. 544. 759. Papal Decree of Pope Pius X concerning sacred music. 329; 387. Papal Decree concerning the fundamental principles of Christian popular action. 339. Papal Decree concerning the election of Bishops to be presented to the Sacred Congregation of the Holy Office. 385. Papal Decree by which the Supreme Pontiff, in favor of the Chapter of the Vatican, revokes the prohibition of entering the Basilica of St. Peter without the choral habit. 466. Papal Decree concerning the codification of the laws of the Church. 549. Papal Decree concerning the graces and privileges granted to the clergy after the recent Consistory. 584. Papal Decree concerning the Vatican edition of liturgical books containing Gregorian melodies. 586. FROM THE MINUTES OF CONSISTORIES: Report of the proceedings in the Consistory held on November 9 and 12 of the year 1903. 276. FROM THE SECRETARY'S OFFICE: Indulgences are granted to the members of the Congregation of Temperance under the invocation of the Blessed Virgin Mary, for perpetual assistance. 14. The Reverend Cardinal Kopp is appointed Apostolic Legate for the consecration of the cathedral church of Metz. 15. Indulgences are granted to the members of the Association of Good Death under the title of the Most Holy Crucifix of St. Andrew in Avellino. 16. Seat of the Abbot General of the Order.

[*Latin ed. p. 760*]

SUMMA ACTS 760: Saint Benedict of Brazil is transferred.

198: Indulgences are granted to those who venerate the image of the Most Holy Crucifix in the collegiate church of Cortemaggiore.

201: Indulgences are granted for the jubilee year from the definition of the dogma of the Immaculate Conception of the Blessed Virgin Mary.

345: Consultation is made with the administration of the Sistine Sacristy in the Lateran Basilica.

349: The church of the Blessed Virgin, "Our Lady of Hope," in Briconii, is elevated to the rank of a minor basilica.

400: The faculty is granted to solemnly crown the image of the Most Sacred Heart of Jesus in the basilica of Berchem.

Translated by churchlatin.ai, a product of Boyne Archives

401: Pope Pius X congratulates the Royal Academy of Saint Thomas Aquinas and exhorts it to combat neo-rationalism. Attached is a brief concerning the institution of the same Roman Academy.

467; 471: Indulgences are granted to those who recite the little office of the Most Sacred Heart of Jesus.

552: The church of the Most Holy Rosary of the Blessed Virgin, in the town of Fontanellato, in the diocese of Parma, is raised to the rank of a minor basilica.

591: A brief from Pope Pius X is addressed to the publication "Les Missions Catholiques."

593: The Apostolic Union of secular priests is commended, and privileges and indulgences are granted to it.

594: Indulgences are granted on the feast of Saint Francis of Assisi.

599: An indulgence is granted to those who recite a certain prayer of temperance.

600: The Archbishop of Cologne is granted the faculty to judge, in the third instance, cases judged in the first instance by the Curia of Freiburg and in the second instance by the Curia of Rottemburg.

659: The Bishop of Rottemburg is granted the faculty to judge, in the second instance, cases judged in the first instance by the Curia of Freiburg.

660: FROM THE SECRETARY OF STATE: Letters offensive to ecclesiastical authority are condemned.

250: The prohibition of Catholics in Italy from entering politics is confirmed.

351: Associations of young people in Italy encourage adherence to the Catholic Young Men's Society of Italy.

602: Circular letters are sent to the Bishops concerning the restoration of the laws of the Church.

603: ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION:

It is not permitted to transport the Sacred Oils by public postal services.

114: The faculty is granted to delegate a simple priest for the administration of Holy Confirmation.

115: Is the ordination of a priest valid, in which one-fifth of the water is mixed with wine in the chalice?

Norms concerning the admission of young women to marriage, whose age is unknown.

116: A doubt concerning the legitimacy of wills in articulo mortis (at the point of death).

Translated by churchlatin.ai, a product of Boyne Archives

118:

[*Latin ed. p. 761*]

SUMMARY OF ACTIONS: Doubts concerning cautions to be demanded, etc., in mixed marriages . . . 164 Doubts regarding competence in matrimonial causes . . . 165 Titular Abbots can lawfully confer the tonsure and the minor orders. 167 Argentina: In articulo mortis, an indulgence is granted for dispensing with impediments of mixed religion, as well as for dispensing with other impediments. . . . . 661 Dispensation is granted from the Pauline intercession to be made because of the infidelity of the betrothed woman. . . . 713 FROM THE HOLY CONGREGATION: Decrees concerning the prohibition of certain books . . . 353; 403; 663 FROM THE HOLY CONGREGATION OF REGULAR BISHOPS: It is permitted to the Capuchins to transfer the novitiate outside of Galliam without interruption of the same. . . . 18 Doubts concerning the solemn profession of nuns. . . . . 202 Concerning the entrance of nuns into the cloister in the case of burial. . . . 203 Doubts concerning the confessors of regular nuns during visitation. 205 Perpetual vows of simple vows induce the vacation of benefices with residence. 287 Order of Preachers: The Convent of Gorazka, portus of the Nation, is canonically erected. 288 Receptions, trials, and professions of members of the Third Order. 761 The Seraphic Order is healed and validated. 605 Order of the Discalced Carmelites of the Most Holy Trinity: Concerning the co-option and aggregation of the Sisters of the Trinity into the Third Order of the Most Holy Trinity. 606 Order of the Discalced Carmelites: The dowry of a deceased woman, who did not complete her three years of simple vows, is bequeathed to the Monastery. . . 664 Order of the Friars Minor: Concerning the readmission of Minorite missionaries to colleges in America. 716 Saint Hippolytus: The Bishop, during a canonical visitation, cannot demand inspection of the books of the Mass and manuals in the churches of the Friars Minor. . . . 718 Causes: Imola. - Patronage: Almost immediately, the decree of the Bishop is confirmed, by which a controversy of patronage between the Confraternity of Saint Onophrius and the Chaplain is settled. . . . 19 Rome - Release from burdens: It is judged that there is agreement concerning the question between the Count of Senni and the Chapter in the forum of Piscium regarding the release from burdens of the estate of Maglianella imposed by the Holy Penitentiary. 69 Turin: - Lease: Concerning a certain lease made by the Apostolic Administrator by deed, which cannot be recognized by the succeeding Bishop. 554 Turin: - Patronage: Concerning a chapel without patronage, for which no benefit was granted by the patrons during the useful time. 665

[*Latin ed. p. 762*]

SUMMA ACTORUM 762 Florentina. - Concerning Expulsions. The incardination of a priest is not upheld, because it is not sufficiently estab-

Translated by churchlatin.ai, a product of Boyne Archives

lished that the Archbishop desires the incardination, and the decree of expulsion, having been issued for just causes, is confirmed.

720 FROM THE HOLY GENERAL COUNCIL of Yice - Parish priests are, by their very nature, removable.

233 Decree concerning letters of dispensation for clerics destined for America and the Philippine Islands.

355 Metropolitan. In this case, the transfer of a Mass is granted for the benefit of the people.

474 Decree to the Bishops of Italy concerning the Apostolic Visitation, and regulations for its execution.

561; 607 Decree concerning the observance and satisfaction in the manual of Masses.

672 Causes. - Bergamo. - Concerning the collation of benefices. A question arises: Does the Bishop of Bergamo, or the Chapter, have the right to nominate and institute to capitular benefices? The Sacred Congregation responds: It is to be done in accordance with concord and with the intention...

35 Parisien. Nullity of marriage. The nullity of a marriage is declared, based on the grounds of violence and fear.

74 Cingoli. Concerning Elections. The validity of the election of Matalicane to the Mansion is recognized, which was obtained despite the lack of a legal patron, the vice of simony, the lack of freedom, and the exclusion of voters.

88 Warsaw, or Lublin. - Concerning Separation and Cohabitation. The episcopal sentence is confirmed, decreeing separation and cohabitation due to the husband's cruelty.

100 Bamberg. Concerning Dispensations from Marriage. A dispensation is granted from a marriage that is valid but not yet consummated.

168 Victorien. Concerning Legacies of Masses. Whether a legacy should be fulfilled through the manual of Masses or through the foundation of Masses.

207 Parisien. Nullity of marriage. The nullity of a marriage contracted between heretics is declared, based on the grounds of clandestine marriage.

214 Manfredonia. - Concerning Rights. To whom does the property of certain ecclesiastical furnishings belong?

226 S. Severina - Concerning Indulgences. Under certain conditions, a dispensation is granted to a canonically ill person from residence.

289 Limburg. - Concerning the Application of Masses. Due to particular circumstances, a reduction of Masses is granted.

293 Parisien. Nullity of marriage. The nullity of a marriage is decreed due to the lack of a public impediment of affinity arising from the marriage of...

297 Jachen. - Concerning Dismemberment. Dismemberment is granted

Translated by churchlatin.ai, a product of Boyne Archives

due to the distance of the places and the number of inhabitants, notwithstanding the dissent of the Bishop, the parish priest, and others.

358 Bergamo. - Concerning Dispensations from Irregularity. Promotion to the Orders is denied, a dispensation from irregularity being refused.

[*Latin ed. p. 763*]

SUMMA ACTORUM regularitate ob amputationem utriusque cruris . . . . . 368 Guastalla. - Concerning customs regarding choral service. A dispensation is granted to observe certain customs contrary to common law, with respect to choral service and the distribution of offerings . . . 404 Milan. Regarding the application of Masses. A dispensation is granted, with due caution, concerning the application of Masses for the founder, about which there is not sufficient certainty . . . 475 Viterbo. - Concerning jubilees. A jubilee indulgence is granted, notwithstanding the opposition of the Ordinary and the Chapter, and also to a small number of Canons 610 Freiburg. Dispensation from irregularity. A dispensation is granted, with the approval of the Ordinary, from an irregularity arising from defamation under the law and from a lack of leniency in duels. 677 Baren. - Concerning rights. Regarding the just compensation for the parish priest received from the common mass of the church, and also concerning his participation in the distributions. 680 Caiena. - Indulgences. An indulgence is granted, by the grace of the Bishop, so that, while actively engaged in pastoral duties, he may receive daily distributions, but without distributions among the present, burdened by his own conscience regarding the necessity of his absence. 729 FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. A privilege is granted to the church of 763 Makri, to grant indulgences, even on the feast of the Most Holy Rosary. 311 Decree by which the Apostolic Prefecture of Benadir in Africa is established, and the Order of the Most Holy Trinity is entrusted with its evangelization. . . . 481 Decree by which the Apostolic Prefecture of Schikoku is established, and it is entrusted to the Dominicans. . . . 671 FROM THE SACRED CONGREGATION FOR RITUALS of the City and the World. Decree granting several privileges on the occasion of the jubilee for the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary. 58 Aesina. Decree confirming the cult rendered to the Servant of God, John Baptist of Fabriano. . . . 119 Vercelli. Decree confirming the cult rendered to the Servant of God, John of Vercelli. 121 Segusia. Decree confirming the cult of St. Justus, a monk and martyr, the principal patron of the city and the diocese of Segusia. 182 Catalonia. Doubts regarding the prayers after private Mass, prescribed by Leo XIII. 184 Spain. Indult regarding the Collect, "Et famulos tuos." 235 Regular canons having their own calendar are not bound to the offices of the place where they reside. . . . ibid. Order of Preachers. To the monastery of Lyra, the solemn Mass of St. Apollonia is granted. 237 Iacena, concerning Masses for the Requiem. ibid. Congregation of Missions.

Translated by churchlatin.ai, a product of Boyne Archives

Concerning the feast.

[*Latin ed. p. 764*]

764 SUMMA ACTORUM Patrocinii S. Vincentii Paulo celebrando 238. Indultum pro Basilica Pompeiana, quoad festum S. Thomae Aquinatis. 312 Andegaven. Decretum de beatificatione et canonizatione Venerabilis Servae Dei Ioannae Delanoue. ib. Baionen. Decretum de beatificatione et canonizatione Venerabilis Servi Dei Michaelis Garicoits. ib. Congregationis a Resurrectione D. N. I. C. Reprobatur usus canendi antiphonam Salve Regina post Missam solemnem de Requiem. 314 Ordinis Minorum. Dubia liturgica proponuntur atque solvuntur. 315 Pharen. Dubia circa absolutiones et Missas de Requiem. 374 Cotronen. De modo deferendi S. Viaticum infirmis. 375 Episcopus extraneus vel titularis nequit Missam et Vesperas solemnes celebrare utens faldistorio et indumentis pontificalibus, nisi de licentia Ordinarii. 376 Facultates ordinariae atque extra ordinariae S. G. Rituum. 412 Ordinis Praedicatorum. Solemnitas S. S. Rosarii alumnis provinciae Baeticae recolenda indulgetur Dominica prima Maii. 420 Ordinis Praedicatorum. Missa solemnis de S. Dominico infra eiusdem festi Octavam conceditur Monialibus Dominicanis in loco de Belves. 420 Firmana. Non licet Parochis ingredi alienam ecclesiam ad funera paroecianorum peragenda. 421 Decretum super exequiis defunctorum, diei 23 aprilis 1895. 422 Gratianopolitana. Decretum confirmationis cultus Servorum Dei Theobaldi, Viennensis Archiepiscopi, aliorumque sedecim Sanctorum nuncupatorum. 423 Urbis et Orbis. Decretum quoad applicationem Motus Proprii de musica sacra. 426 Parentin, et Polen. Quibus in diebus solemnibus funera defunctorum nequeunt persolvi. 427 Compostellana. Reprobatur instrumentorum sonitus in maioribus hebdomada. 428 Aurelianen. Decretum de beatificatione et canonizatione Venerabilis Servae Dei Ioannae d'Arc. 429 Mediolanen. In ritu Ambrosiano coarctantur translationes officiorum de Sanctis, elevatis tamen ad ritum solemne maioris festis utriusque ecclesiae Doctorum. 483 Tlascalen. Dubia circa adsistentiam Canonicorum in Matutinis et Vesperis solemnibus. 484 Meten. Dubia circa ordinationem Officii plurium Titularium aeque principalium, necnon circa translationem festi Patrocinii S. Vincentii a Paulo in Oratoriis semi publicis Puellarum Caritatis. 485 Parisien. Decretum de beatificatione et canonizatione Servae Dei Catharinae Labouré, e Societate Puellarum Caritatis. 486 Ordinis Minorum. Privilegium Missae votivae de Immaculata B. M. Virginis Conceptione Sabbatis.

[*Latin ed. p. 765*]

SUMMARY OF ACTS 765: Matters pertaining to all Declarations concerning privileges granted to churches according to the Roman calendar – to notaries Apostolic, using the prescribed form 487. 571 Gnesnen, and Posnanien. Regarding the precedence of Deans in the matter of celebrat-

Translated by churchlatin.ai, a product of Boyne Archives

ing feasts on Sundays outside of sacred functions. 488 Concerning the affixing of seals to the Congregation of Eremites, the Society of Mary, the Recluses of Monte Coronae. Granting of a proper Mass for the feast of the Blessed Virgin Mary, Reparatrix, in churches of the B. V. M. Virgin, as Patroness in Supplications, in Strigonien, or Cassovien. Decree concerning the commemoration of the blessed Mark Grisini, canon of Strigonien; Decree concerning the commemorations of Stephen Pongracz, Melchior Grodecz, priests of the Society of Jesus, on the 27th of June, 1899. 490 In the churches outside the city of Bellicen. The octave of the dedication and canonization of the blessed John Vianney does not take place. 621 Strigonien, or Cassovien. Decree concerning the beatification of the blessed Servants of Mark Crisini, Stephen Pandeferris, and Melchior Grodecz. 493 Order of the Discalced Carmelites. S. Thomas of Melapor. It is granted to the Regular clergy of America the indulgence to say a votive Mass of S. Thomas the Apostle to priests who are celebrating at his altar, and who are reciting the sacred litanies. 625 Meliten. Decree concerning the beatification and canonization of the blessed Ignatius Falzon, secular clergy. 626 Iaren. Regarding the precedence of Bishops, when a feast occurs on a Friday, Saturday, or the Holy Sabbath, the time of promotion and confirmation is transferred as far as the Office is concerned. 567 Alerten, or Papien. Decree concerning the canonization of Blessed Alexander Sauli, of the Barnabite Congregation, Bishop of Aleria, and afterwards of Pia. 636 Utinen. Regarding the use of the vernacular language in the Passion of the Lord, the Tenebrae, the Litanies of Loreto, in the administration of Baptism and Communion, as well as in prayers after Mass, and regarding the rites to be observed after Mass concerning the exequies. 568

[*Latin ed. p. 766*]

766 Regarding the acts concerning the singing of hymns, due to a lack of a reader, and concerning the distribution of Holy Communion, 690 of the Order of Friars Minor. Doubts concerning the possibility of using the Roman Calendar. 691 Bellicena. Decree concerning the beatification and canonization of the Servant of God, John Baptist Vianney. 692 Abyssinia. Decree concerning the beatification or declaration of martyrdom of the Servants of God, Agathangelo Vendemensis and Cassian Nannetesis. 496 Rhemen. Concerning the manner of kneeling by canons, the celebrant, and the thurifers before the altar after the consecration of the Holy Species. 697 Tunquin. Decree concerning the beatification or declaration of martyrdom of the Servants of God, Francis Gil de Federich, Matthew Alonso Leziniana, Hyacinth Castañeda, and Vincent Liema Pace. 734 Alerta or Papia. Decree concerning the canonization of Blessed Alexander Sauli. 737 Abyssinia. Decree concerning the beatification or declaration of martyrdom of the Servants of God, Agathangelo Vendemensis and Cassian Nannetesis. 739 Rome. Decree concerning the beatification and canonization of the Servant

Translated by churchlatin.ai, a product of Boyne Archives

of God, Gaspar Del Bufalo. 741 Of the City and the World. Decree by which the votive Mass of the Immaculate Conception of the Blessed Virgin Mary is extended to each day of a triduum or novena of the same feast. 743 Utinen. The custom of singing the Passion of the Lord in the vernacular language, the Litanies of Loreto before the Blessed Sacrament, and of administering Holy Communion in the same language is disapproved. 744 A doubt: The custom of not using a cope before the Tabernacle of the Most Holy Sacrament cannot be maintained. 746 Hieracena. Concerning the occurrence of feasts and the omission of the octave of Saint Anastasia. *From the Sacred Congregation of Indulgences and Holy Relics.* Indulgences granted by the Most Holy Lord Pope Pius X to the Christian faithful who, while holding a rosary, a crucifix, a fixed cross, small statues, or medals blessed by the same Holy See, have fulfilled the prescribed pious works. 125 Of the City and the World. Decree by which the indulgences attached to the recitation of the Little Office of the Blessed Virgin Mary in Latin are extended to its vernacular private recitation. 185 Summary of indulgences, privileges, and dispensations granted to the Tertiaries of the Secular Order of Saint Augustine. 186 Summary of indulgences, privileges, and dispensations granted to the members of the Third Secular Order of the Blessed Virgin Mary of Mount Carmel. 241 Indulgences granted to the Pious Union of the Blessed Virgin Mary, Sorrowful, of Rome. 246

[*Latin ed. p. 767*]

SUMMARY OF INDULGENCES: Those who recite the prayer to Christ Jesus on the Cross are granted indulgences. 248 Of the City and the World. By decree, the power to grant indulgences is added to Cardinals and Bishops in more dioceses. 318 The privileges of Regular Canons, whether their own or granted by special indult, are valid even in those parts of a city or locality where there is no religious house. 319 Decree concerning indulgences for Tertiaries living in community and those making simple vows. 377 Of Sorrento. Secular Tertiaries do not enjoy the communion of indulgences with their respective Orders, and a new summary of indulgences is to be presented for approval. 434 Of the City and the World. An indulgence of 50 days is attached to the ejaculation, "Deus sit benedictus!" 435 Indulgences are granted to those who recite the antiphon with verses and the prayer in honor of St. Stephen, the first martyr. 436; 749 Of the Congregation of the Most Holy Redeemer. General formula of absolution for Tertiaries living in community and those making simple vows. 498 Summary of indulgences, privileges, and indults granted to the Order of St. John of God by the Most Holy Fathers. 499 Summary of indulgences granted to the Archconfraternity of the Most Sacred Heart of Jesus, located in the church of St. Joachim in the City. 504 Of Rome. Indulgences are granted to those who recite certain prayers in honor of St. John the Baptist. 505 Of Cologne. External solemnity suffices to gain a plenary indulgence, especially on the

Translated by churchlatin.ai, a product of Boyne Archives

feast of the Blessed Virgin Mary, Help of Christians. 507 An indulgence is granted to religious communities who recite a certain invocation to the Blessed Virgin Mary, Immaculate. 574 Summary of indulgences, privileges, and indults granted to secular Tertiaries of the Order of Prémontré. 634 Of the City and the World. A plenary indulgence is granted in articulo mortis to those who perform a work of charity. 637 Of the City and the World. Indulgences are granted to those who complete a pious novena in honor of St. Francis Xavier. 700 Of the City and the World. Indulgences are granted to those who recite the invocation "Tota pulchra" in honor of the Blessed Virgin Mary, Immaculate. 702 Of the City and the World. By decree, an indulgence is granted to those who recite three times, with a priest, after private prayers before the indicated Mass, the invocation "Most Sacred Heart of Jesus, have mercy on us." 750 Summary of indulgences, privileges, and indults granted to secular Tertiaries of the Order of the Blessed Virgin Mary of Mercy, for the redemption of captives. 751

[*Latin ed. p. 768*]

768 SUMMARY OF ACTIONS FROM THE HOLY GENERAL CONGREGATION CONCERNING EXTRAORDINARY AFFAIRS OF THE ORDER OF MINOR FRATI. Indulgences are granted for nocturnal adoration of the Most Holy Sacrament. . . 378 OF THE ORDER OF MINOR FRATI. Powers for Capuchin Missionaries in Holland are extended. . . . 380 OF THE ORDER OF MINOR FRATI. Indulgences for the Brothers Minor. . . 381 OF THE SISTERS OF SAINT THERESA. A perpetual indult is granted for reciting the Holy Rosary on the night of the Nativity of the Lord. 382 OF THE ORDER OF SAINT BENEDICT. Privileges are granted to Benedictine Missionaries in Holland, Germany, and in Belgium. . . 437; 438 Władysławów. The faculty is given to declare altars privileged. 508 Vienna. The faculty is granted to dispense from impediments of affinity in the collateral line arising from an illicit union. 575 FROM THE HOLY CONGREGATION OF STUDIES. Doctoral degrees conferred by the Holy Congregation of Studies without examination are equivalent to degrees from Catholic Universities. 509 FROM THE HOLY CONGREGATION FOR THE PENITENTIARY. Doubts concerning the tithes of the APOSTOLIC SEE. 61 A doubt concerning a rescript concerning dispensation from marriage. 439 Władysławów. Doubts concerning the works to be performed in the jubilee of the Blessed Virgin Mary Immaculate. . . . 638; 756 Nicastro. Concerning the determination of poverty for matrimonial dispensations in Italy. 704 FROM THE VICARIATE OF THE CITY. Circular Letters to the Bishops of Italy, by which the Cardinal Vicar of the City transmits certain norms for clerics who come to Rome for studies. . . 191 Notification from the Eminence of the Cardinal Vicar concerning the care of souls in the City. . . 252 Notification concerning the celebration of Masses in the churches of the City. . . 254 Circular letter from the Eminence of the Cardinal Vicar to the Superiors of the City

Translated by churchlatin.ai, a product of Boyne Archives

concerning the restoration of sacred music. 383 Documents to be presented to those promoting the Orders in the venerable City. 510 APPENDIX Commentary on the Holy Roman Congregation's Decree "Urbis et Orbis" of August 14, 1903, concerning the votive Mass for the Immaculate Conception. 441 Necrology of the Reverend Victory Piazzesi. 639 IMPRIMATUR: Father Albert Lepidi, Order of the Most Holy Savior. IMPRIMATUR: Joseph Ceppetelli, Priest of Constance, Vice-General.

Translated by churchlatin.ai, a product of Boyne Archives